

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
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No 43] NEW DELHI, SATURDAY, OCTOBER 28, 1967/KARTIKA 6, 1889

इस भाग में भिन्न पृष्ठ सख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिख भारत के असाधारण राजपत्र 16 अक्टूबर 1967 तक प्रकाशित किये गये।—

The undermentioned Gazettes of India Extraordinary were published up to the 16th October 1967:—

Issue No.	No. and Date	Issued by	Subject
479	S. O. 3601, dated 6th October, 1967.	Ministry of Commerce.	Authorising Shri B. G. Damani to take over the management of the whole of the Aurangabad Mills Ltd., Aurangabad.
480	S. O. 3680, dated 7th October, 1967.	Election Commission, India.	Further amendments in the notification No. 508/UP/67, dated 11th January, 1967.
481	S. O. 3681, dated 7th October, 1967.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
482	S. O. 3682, dated 7th October, 1967.	Ministry of Industrial Development & Company Affairs.	Appointing a Body of persons for making a fresh and complete investigation into the loss of production of sugar due to the closure of the Industrial Undertaking M/s. Kamlapat Motilal Bhatni (Sugar Mills) Branch, Bhatni, Distt. Deoria.
483	S. O. 3683, dated 7th October, 1967.	Ministry of Commerce.	Authorising Shri B. G. Damani to take over the management of the whole of the Rai Sahab Rekchand Gopaldas Moha Spinning and Weaving Mills Private Ltd., Akola.

Issue No.	No. and Date.	Issued by	Subject
484	S. O. 3684, dated 9th October, 1967.	Ministry of Finance	Granting recognition to the Calcutta Stock Exchange Association Ltd., Calcutta for a further period of five years from 10th October, 1967 to 9th October, 1972, in respect of Contracts securities subject to the conditions stated therein.
485	S. O. 3685 dated 10th October, 1967.	Do.	Granting recognition to the Madras Stock Exchange Ltd., Madras for a further period of five years from 15th October, 1967 to 14th October, 1972 in respect of Contracts in securities subject to the conditions stated therein.
486	S. O. 3686, dated 10th October, 1967.	Election Commission, India.	Extending the date before which election of Madras South Parliamentary Constituency in the State of Madras shall be completed to the 11th November, 1967.
487	S. O. 3687, dated 10th October, 1967.	Ministry of Commerce.	Direction that the East India Jute and Hession Exchange Limited, Calcutta, to suspend entering into forward contracts in Jute Goods, other than (i) transferable specific delivery contracts and (ii) non-transferable specific delivery contracts for a further period of seven days with effect on and from the 13th October, 1967.
488	S. O. 3688, dated 10th October, 1967.	Ministry of Industrial Development & Company Affairs.	Direction that the management of the India Electric Works Ltd, Calcutta should be continued for a further period of 3 months from the 11th October 1967.
489	S. O. 3689, dated 10th October, 1967.	Do.	Appointment of a body of persons for making a complete investigation into the fall of production in respect of Cotton Textiles manufacture in the New Maneckchok Spinning and Weaving Co. Ltd., Asarwa, Ahmedabad, Gujarat State.
490	S. O. 3690, dated 16th October, 1967.	Ministry of Finance.	Appointment of the Commissioner of Income-tax, Delhi (Central) New Delhi and the Commissioner of Income-tax Delhi, New Delhi as the Tax Recovery Commissioners.
	S. O. 3691, dated 16th October, 1967.	Do.	Authorising Shri P. P. Thukral, a Tax Recovery Officer in the Union Territory of Delhi.

Issue No.	No. and Date	Issued by	Subject
	S. O. 3692, dated 16th October, 1967.	Ministry of Finance.	Authorising Shri T. C. Khuller, as a Tax Recovery Officer in the Union Territory of Delhi.
	S. O. 3693, dated 16th October, 1967.	Central Board of Direct Taxes.	Direction that the Commissioner of Income-tax, Delhi, New Delhi shall perform the functions of the Tax Recovery Commissioner in respect of all the areas in the Union Territory of Delhi.
	S. O. 3694, dated 16th October, 1967.	Do.	Direction that the Commissioner of Income-tax, Delhi (Central), New Delhi shall perform the functions of the Tax Recovery Commissioner in respect of all the areas in the Union Territory of Delhi.
491	S. O. 3695, dated 16th October, 1967.	Ministry of Commerce.	Direction that the management of the Swadeshi Cotton and Flour Mills Limited, Indore should continue for a period up to the 15th April, 1968.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, निविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और प्रविस्तराएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 13th October 1967

S.O. 3778.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints:—

- (1) Special Deputy Collector (Land Acquisition) Corporation Schemes, Collector's Office, Madras.
- (2) District Supply Officer (Madras), Collector's Office, Madras.

(3) Personal Assistant to the Director of Agriculture, Madras-5.

as Assistant Returning Officers for the 2-Madras (South) Parliamentary constituency, in addition to the officers appointed by its notification No. 434/MD/65, dated the 2nd July, 1966.

[No. 434/MD/67.]

ORDERS

New Delhi, the 3rd October 1967

S.O. 3779.—Whereas the Election Commission is satisfied that Shri Thatha Dharmarao of Paddarayuduthota, H/O Kaza, Divi taluk a contesting candidate for election to the House of the People from 14-Machilipatnam constituency, has failed to lodge an account of his election expenses within time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Thatha Dharmarao to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/14/67.]

New Delhi, the 16th October 1967

S.O. 3780.—Whereas the Election Commission is satisfied that Shri Peddireddy Ramireddy, Guntha Bazar, Cuddapah, a contesting candidate for election to the House of the People from 23-Cuddapah constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Peddireddy Ramireddy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/23/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th October 1967

S.O. 3781.—It is hereby notified for general information that the Government of every State (except Nagaland), to which the Police Act, 1888 (3 of 1888) extends has consented under section 4 of that Act to the exercise, within the State concerned, by the Police force of every other State, of the powers and jurisdiction conferred by section 3 of the said Act.

The notification of the Government of India in the Ministry of Home Affairs, No. 17/2/57-P.I. dated the 9th January, 1959, is hereby rescinded.

[No. 35/3/64-P.I.]

G. L. BAILUR, Dy. Secy.

New Delhi, the 16th October 1967

S.O. 3782.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules, 1966.

2. These rules may be called the Manipur Employees (Revision of Pay) Rules, 1967.

3. In Schedule to the Manipur Employees (Revision of Pay) Rules, 1966.

(i) Under the Heading "Cooperation Department" for the existing entries against item Nos. 3, 4 and 5, the following entries shall be inserted in columns 1, 2, 3 and 4 respectively:—

3	Inspector Assistant Auditor.	Rs. 125-7½-155-9-245-EB-10-275.	Rs. 175-10-225-EB-10-275-EB 12-50-400.
4	Inspector (Under Graduates)	Rs. 100-100-110-Con-5-140-EB-10-250.	Rs. 150-7-50-180-EB-7-50-210-EB-9-300.
5	Assistant Auditor (Under Graduates).	Rs. 75-5-100-Con-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.

[No. 1/16/65-HMT.]

New Delhi, the 20th October 1967

S.O. 3783.—In exercise of the powers conferred by sub-section (1) of section 5 of the Indian Boilers Act, 1923 (5 of 1923), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs, No. 4/94/58-ANL dated the 31st March, 1960, namely:—

In the said notification, in item (2), for the words "the Executive Engineer, Stores and Workshops Division, Andaman Public Works Department" the words "the Marine Engineer of the Andaman and Nicobar Administration" shall be substituted.

[No. 4/71/67-ANL.]

Y. D. SEHGAL, Under Secy.

New Delhi, the 19th October 1967

S.O. 3784.—The Central Government is pleased to notify that

- (1) Maharajkumar Shri Sodhasalji, Tikaraj Saheb,
- (2) Maharajkumar Shri Jaysinhji,
- (3) Maharajkumar Shri Sidhrajsinhji,

sons of the Ruler of Dhrangadhra (Gujarat) have been nominated by the said Ruler for the purpose of entry 2(b) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P.IV, dated the 13th July, 1962 [G.S.R. 991, published in the Gazette of India, Part II, Section 2, Sub-Section (ii) dated the 28th July, 1962].

[No. F. 16/7/67-P.IV.]

G. S. KAPOOR, Under Secy.

नई दिल्ली 19, अक्तूबर 1967

एस० नो० 3785.—भारत सरकार को यह अधिसूचित करते हुये हर्ष है कि धृंगध्रा (गुजरात) के शासक के पुत्र

- (1) महाराजकुमार श्री सोध साल जी, टीकाराज साहिब,
- (2) महाराजकुमार श्री जय सिंह जी,
- (3) महाराजकुमार श्री सिद्धराज सिंह जी,

गृह मंत्रालय की 13 जुलाई, 1962 की अधिसूचना संख्या 15/13/59-(V)-पी० IV के साथ संलग्न प्रथम अनुसूची की प्रविष्टि 2(ख) [भारत के राजपत्र भाग-II खण्ड 3, उपखण्ड (ii) दिनांक जुलाई 28, 1962 में प्रकाशित जी० एस० आर० संख्या 991] के लिये उक्त ग्रामक द्वारा नामित किये गये हैं।

[संख्या 16/7/67-पुलिस-IV]

जी० एम० कपूर,
प्रवर सचिव, भारत सरकार।

ORDERS

New Delhi, the 16th October 1967

S.O. 3786.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends to the State of Nagaland the powers and jurisdiction of members of the Delhi Special Police Establishment for the investigation of offences punishable under—section 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the dangerous Drugs Act, 1930 (2 of 1930).

[No. 228/1/65-AVD II.]

S.O. 3787.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends to the Tuensang district of the State of Nagaland, the powers and jurisdiction of members of the Delhi Special Police Establishment for investigation of offences punishable under section 9 of the Opium Act, 1878 (1 of 1878).

[No. 228/1/65-AVD-II.]

C. A. NAIR, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 17th October 1967

S.O. 3788/CPEO/19/67.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central Government hereby appoint Shri G. S. Padgaonkar, Superintendent, Regional Passport and Emigration Office, Bombay to be Protector of Emigrants, Bombay in addition to his own duties with effect from January 31, 1967 vice Shri B. S. Mathur, Protector of Emigrants, Bombay promoted.

[No. F. 3(13)V-IV/60.]

C. S. V. SUNDRAM,
Attache (PVA).

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 16th October 1967

S.O. 3789.—In exercise of the powers conferred by section 15A of the Indian Coinage Act, 1906 (3 of 1906), the Central Government hereby

- (i) calls in with effect from the 1st April, 1968—
 - (a) all quaternary alloy rupee coins;
 - (b) all quaternary alloy half-rupee coins;
 - (c) all all quaternary alloy quarter-rupee coins.

having a metal composition of fifty per cent silver, forty per cent copper, five per cent nickel and five per cent zinc, and

(d) all cupro-nickel four anna (scalloped) coins having a metal composition of seventy-five per cent copper and twenty-five per cent nickel; and

(ii) directs that on and from the said date the said coins shall cease to be legal tender save to the extent hereafter specified—

(a) the said coins shall continue to be legal tender up to the 30 September, 1968, only at all offices of the Reserve Bank of India, all agency and sub-agency banks of the Reserve Bank of India conducting Government business, and at all Government treasuries and Sub-treasuries and during this period they will also be accepted at all Posts and Telegraph Offices and all Railway Offices for payment of dues; and

(b) the said coins shall continue to be legal tender at the offices of the Issue Department of the Reserve Bank of India at Bombay 'Byculla', Calcutta, Madras, Kanpur, New Delhi, Bangalore and Nagpur, until further notice.

[No. F.2(47)-C&C/64.]

M. S. NANJUNDIAH,
Director.

(Department of Economic Affairs)

New Delhi, the 19th October 1967

S.O. 3790.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Canara Bank Ltd., Mangalore, in respect of the immovable property (comprised in C.S. Nos. 266 and 299 and measuring about 903 Sq. yards) held by it at Kazi Syed Street, Mandvi, Bombay, till the 28th June 1968.

[No. F. 15(21)-BC/67.]

S.O. 3791.—In exercise of the powers conferred by section 53, of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Vijaya Bank Ltd., Mangalore in respect of the immovable property (Plot of land bearing T.S. No. 832) held by it at Mangalore (South Kanara), till the 5th October 1968.

[No. F. 15(23)-BC/67.]

S.O. 3792.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Cochin Commercial Bank Ltd., Cochin in respect of the property (measuring 1 acre 53 cents and 778 sq. links) held by it at Mattancherry Town, Cochin, Kerala State, till the 30th September 1968.

[No. F. 15(20)-BC/67.]

New Delhi, the 13th October 1967

S.O. 3793.—Statement of the Affairs of the Reserve Bank of India, as on the 6th October 1967.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes Rupee Coin	16,17,36,000 3,16,000
Reserve Fund	80,00,00,000	Small Coin	3,31,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund	131,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	315,24,23,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	10,03,12,000
		Investments**	10,52,75,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Loans and Advances to:—	
		(i) Central Government . . . . .	..
		(ii) State Governments@	81,40,71,000
		Loans and Advances to:—	
Deposits :—		(i) Scheduled Commercial Banks†	2,54,90,000
		(ii) State Co-operative Bank ‡	168,83,11,000
(a) Government—		(iii) Others.	2,33,30,000
(i) Central Government	58,67,11,000	Loans, Advances and Investments from National	

(ii) State Governments	4,52,79,000	Agricultural Credit (Long Term Operations) Fund—	
(b) Banks —		(a) Loans and Advances to :—	
(i) Scheduled Commercial Banks	135,18,33,000	(i) State Governments	28,26,39,000
(ii) Scheduled State Co-operative Banks	5,57,42,000	(ii) State Co-operative Banks	13,96,96,000
(iii) Non-Scheduled State Co-operative Banks	62,57,000	(iii) Central Land Mortgage Banks . . . . .	..
(iv) Other Banks	12,66,000	(b) Investments in Central Land Mortgage Bank Debentures	
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	7,43,29,000
(c) Others	262,44,80,000	Loans and Advances to State Co-operative Banks	8,52,60,000
Bills Payable	26,70,32,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
Other Liabilities.	40,93,17,000	(a) Loans, and Advances to the Development Bank	5,24,15,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Others Assets	35,09,83,000
Rupees	805,79,17,000	Rupees	805,79,17,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. NIL advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the R.B.I. Act.

‡ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 11th day of October 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 6th day of October 1967.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	16,17,36,000		Gold Coin and Bullion:—		
Notes in circulation	2984,57,64,000		(a) Held in India	115,89,25,000	
			(b) Held outside India . . . .	..
Total Notes issued		3000,75,00,000	Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		78,49,12,000
			Government of India Rupee Securities		2639,94,63,000
			Internal Bills of Exchange and other commercial paper . . . .		..
Total Liabilities		3000,75,00,000	Total Assets		3000,75,00,000

Dated the 11th day of October, 1967,

L. K. JHA,
Governor.
[No. F. 3(3)-BC/67.]

New Delhi, the 20th October, 1967

S.O. 3794.—Statement of the Affairs of the Reserve Bank of India, as on the 13th October 1967.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	9,09,13,000
		Rupee Coin	5,32,000
Reserve Fund.	80,00,00,000	Small Coin	3,59,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund	131,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	278,43,70,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	16,42,31,000
		Investments**	130,93,91,000
		Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	(i) Central Government . . . . .	..
		(ii) State Governments@	97,68,43,000
Deposits:—		Loans and Advances to:—	
(a) Government		(i) Scheduled Commercial Banks†	5,13,20,000
(i) Central Government	54,93,78,000	(ii) State Co-operative Banks‡	172,38,39,000
		(iii) Others	2,39,30,000

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 13th day of October 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	9,09,13,000		Gold Coin and Bullion:—		
Notes in circulation	3001,26,09,000		(a) Held in India	115,89,25,000	
Total Notes issued		3010,35,22,000	(b) Held outside India . . . . .	..
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		78,08,85,000
			Government of India Rupee Securities		2649,95,12,000
			Internal Bills of Exchange and other Commercial paper . . . . .		..
TOTAL LIABILITIES		3010,35,22,000	TOTAL ASSETS		3010,35,22,000

Dated the 1st day of October 1967

L. K. JHA,
Governor.

[No F. 3 (3)-BC/67.]

V. SWAMINATHAN Under Secy.

(Department of Economic Affairs)

CORRIGENDUM

New Delhi, the 10th October 1967

S.O. 3795.—In the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 2994 dated the 25th July, 1967, published at page 3136 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 2nd September, 1967, in line 3 of the preamble for “rule 33” read “rule 34”.

[No. F. 19(2)-NS/65.]

V. S. RAJAGOPALAN, Under Secy.

(Department of Revenue and Insurance)

New Delhi, the 20th October 1967

S.O. 3796.—In pursuance of paragraph (9) of the Scheme of War Risks Insurance of Marine Hulls, the Central Government hereby publishes, as follows, an account of the sums received into and paid out of the War Risks (Marine Hulls) Reinsurance Fund during the year ending with the 31st March, 1967, namely :—

Account of the sums received into and paid out of the ‘War Risks (Marine Hulls) Reinsurance Fund’ during the year ending with 31st March, 1967.

RECEIPTS			EXPENDITURE		
	Amount	Progress of receipts up to the end of March 1967		Amount	Progress of Expenditure up to the end of March 1967
	1	2		3	4
	Rs.	Rs.			
1. Insurance Premium	34,00,000·00	77,34,453·06	1. Administration expenses of the life insurance Corporation of India.	..	..
2. Advances from Consolidated Fund of India under Paragraph 8(iii).	..	..	2. Payment of Liabilities under War Risks (Marine Hulls) Reinsurance Scheme under Paragraph 8 (ii) (showing details if necessary).	..	..
3. Miscellaneous Receipts.	..	..	3. Repayments of advances made under paragraph 8(iii).	..	..
			4. Miscellaneous expenditure (showing details if necessary).	..	..
			5. Refunds of premium	..	..
			6. Sums disposed of in accordance with paragraph 8(iv)	..	..
TOTAL	34,00,000·00	77,34,453·06	Nil		Nil

[No. F. 52(2)-INS-I/67.]

RAJ K. NIGAM, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES**INCOME-TAX***New Delhi, the 16th October 1967*

S.O. 3797.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its notification No. 20 (F. No. 55/1/62-IT) dated the 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India Part II Section 3 sub-section (ii) dated the 11th May, 1963 as amended from time to time:—

Against S. No. 7A Delhi (Central) under column 3 of the Schedule appended thereto, the existing entry against item 1 shall be substituted by the following:

"1. Central Circles I to IX at Delhi".

[No. 130/F. No. 55/144/67-IT.]

A. RAGHAVENDRA RAO, Under Secy.

INCOME-TAX*New Delhi, the 19th October 1967*

S.O. 3798.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 37 (F. No. 50/38/67-ITJ), dated the 20th May, 1967, namely:

In the said Schedule against J-Range and R-Range, Bombay, under column 2 the following shall be substituted:

J-Range, Bombay	Company circle III(1), III(2), III(3), III(4), III(5), III(6), III(7) III(12), III(13), III(14) and III(15)
R-Range, Bombay	A-1 Ward and company circle IV(10), IV(11), IV(12), IV(13), IV(14), IV(15), and IV(16).

Explanatory Note

The amendment has become necessary on account of the creation of new company circles in the charge of the Commissioners of Income-tax, Bombay City II and Bombay City III, Bombay.

(The above note does not form part of the Notification, but is intended to be clarificatory).

[No. 132 (F. No. 50/38/67-ITJ.)

P. G. GANDHI, Under Secy.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD*Allahabad, the 28th September 1967*

S.O. 3799.—In exercise of the powers conferred by Rule 5 of the Central Excise Rules, 1944, I hereby authorise Junior (upgraded) Superintendents of Central Excise to exercise within their respective jurisdiction the powers of Collector under rule 53 of the aforesaid Rules in the matter of granting permission to licensees for not making entries in the stock account on dates on which there is no production, receipt in store-room or clearance of excisable goods. I also authorise the Senior Superintendents of Central Excise having jurisdiction, to exercise the aforesaid power of Collector in respect of those Ranges or Factories, if any, which are not under the charge of a Junior Superintendent

[No. 1-CE/67.]

M. N. MATHUR,
Collector.

COLLECTORATE OF CENTRAL EXCISE, WEST BENGAL, CALCUTTA**CENTRAL EXCISES***Calcutta, the 30th September 1967*

S.O. 3800.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I hereby make the following amendment in the Collectorate of Central Excise, West Bengal, Calcutta's Notification No. 4/67 dated 17th August 1967, namely:—

For the words and figures "A.R. 6" appearing in Column (4) against Sl. No. 5 of the table, the words and figures "A.R. 10" may be substituted.

[No. 6/1967.]

D. R. KOHLI,

Collector.

CENTRAL EXCISE COLLECTORATE, BARODA**MANUFACTURED PRODUCTS***Baroda, the 30th September 1967*

S.O. 3801.—I hereby make the following amendment in the Collectorate Manufactured Products Notification No. 6/67 dated 21st August, 1957, namely:—

In the table annexed to the said Notification, in column No. 2 against Sr. No. 5 for the letters and figure "A.R. 6" the letters and figure "A.R. 10" shall be substituted.

[No. 7/67.]

A. R. SHANMUGAM, Collector.**BOMBAY CENTRAL EXCISE COLLECTORATE****CENTRAL EXCISES***Bombay the 5th October 1967*

S.O. 3802.—In exercise of the powers conferred by Rule 5 of the Central Excise Rules, 1944, I hereby make the following amendment in Collectorate Notification No. CER/5/3/66 dated the 27th July, 1966.

In the table appended to the said notification, the following entries should be added after the entry under Rule 96ZD (2).

TABLE

C. Ex. Rules	Rank of Officer	Limitation if any
(1)	(2)	(3)
96ZF (i)	All Officers of and above the rank of Supdt. C. Excise.	(i) Supdt. shall demand duty at full rate not exceeding Rs. 250/- (ii) Asstt. Collector shall demand duty at full rate not exceeding Rs. 2000/- (iii) Dy. Collectors shall demand duty at full rate not exceeding Rs. 5000/-
96ZF (ii)	All Officers of and above the rank of Supdt. C. Excise.	(i) Supdt. C. Ex. shall exercise power to confiscate the goods upto Rs. 1000/- in value. (ii) Asstt. Collector shall exercise the power to confiscate the goods up to Rs. 5000/- in value. (iii) Dy. Collector shall confiscate the goods without limit.

(1)	(2)	(3)
96ZF (iv)	All Officers of and above the rank of Supdt. C. Excise.	(i) Supdt. to impose penalty up to Rs. 100/- (ii) Asstt. Collector to impose penalty up to Rs. 250/- (iii) Dy. Collector to impose penalty up to Rs. 750/-.

[No. CER/5/6/67.]

[No. F.V-16B(3)-1/67.]

MANUFACTURED PRODUCTS

Bombay, the 5th October 1967

S.O. 3803.—In exercise of the powers conferred upon me under rule 233 read with rule 96ZD (3) of the Central Excise Rules, 1944, I hereby rescind the Collectorate Notification No. CER-233/4 (Plywood)/66 dated 27th July 1966.

[No. CER-233/1-(Plywood)/67.]

[No. F.V-16B(3)-1/67.]

A. K. ROY,

Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE-1

CORRIGENDUM

Bangalore, the 30th September 1967

S.O. 3804.—Please refer to Col. 3 against Item 5 of the Table appended to this Office Central Excise Notification No. 5/67, dated the 23rd August, 1967 and read "A.R. 10" for the letters and figures "A.R. 6".

[No. C. IV/8/1/67-B.2.]

Bangalore, the 10th October 1967

S.O. 3805.—In the Schedule to the Notification No. 3/66, dated the 6th October, 1966, published in Part II, Sub-Section(ii) of the Gazette of India, dated the 19th November, 1966, the following amendment is ordered with immediate effect.

In Dharwar District occurring at Page 4 of the Notification No. 3/66 (after Bilapur District) add the following :—

District	Area delimited	Exceptions	Officer to whom the declaration are to be recorded in case the prescribed limits are exceeded.
1	2	3	4
Dharwar :	Dharwar Taluk	Peergani Lakhampur Yattingudda Garag Kelageri	Inspector of Central Excise, Dharwar (Hubli M.O.R.)
Do.	Hubli Taluka	Hubli Chabbi.	
Do.	Kundagol Taluk	Gudgeri Harlapur Kalasa Sultanpur.	Inspector of C. Hubli M.O.R. Ex. Do.

1	2	3	4
Dharwar	Shiggaon Taluk	Bankapur Savoor Fakirnandihalli Hirebendigeri Hulagur Kengapur Banahat Chikabudhihal Ankadakan Munavalli Siggaon Gundur Gabbur Gavanal Hurlikuppi Savanur.	Inspector of C. Ex., Dharwar. Do.
North Kanara	Central Camp		

(Issued from file C. No. V. 4(30)/7/66.B.2)

[No. 3.]

THOMAS KOSHI,
Asstt. Collector (Tech.) for Collector.

CENTRAL EXCISE COLLECTORATE, KANPUR

CORRIGENDUM

Kanpur, the 4th October 1967

S.O. 3806.—Attention is invited to this Collectorate Notification No. 4/CE/67, dated 19-8-1967 circulated vide endorsement C. No. VI(21)(Plywood)67-EX.II/67/37776, dated the 24th August, 1967.

2. In the statement enclosed with the aforesaid Notification in Column 2 against Sl. No. 5 for the letters and figures "A.R. 6" read "A.R. 10".

[No. C.VI(21)(Plywood)67-Ex.11/67/44873.]

V. PARTHASARATHY,
Collector.

वाणिज्य मंत्रालय

नई दिल्ली, 24 जुलाई, 1967 ।

एस० आ० 3807—नारियल जटा उद्योग अधिनियम, 1953 (1953 के 45) की धारा 4 के साथ रचित नारियल जटा उद्योग नियम, 1954 के नियम 5 के उपनियम (1) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा वाणिज्य मंत्रालय की अधिसूचना संख्या सं० आ० 2672 दिनांक 31 अगस्त, 1966 में निम्नलिखित संशोधन करती है, अर्थात् :—

“श्रमांक 2 की मद (च) नारियल पैदा करने वाले प्रमुख गांवों की सरकार” में निविष्ट श्री 1० मरियासुमाई, संयुक्त निदेशक, उद्योग तथा वाणिज्य (औद्योगिक सहकारी समितियों), मद्रास”

के स्थान पर

निम्नलिखित रखा जायेगा, अर्थात् :—

“संयुक्त निदेशक उद्योग तथा वाणिज्य (औद्योगिक सहकारी समितियों), मद्रास” ।

[सं० 21(1)/66-टेक्स (ई)]

नई दिल्ली, 3 अगस्त, 1967

एस० नो० 3808.—नारियल जटा उद्योग अधिनियम, 1953 (1953 के 45) की धारा 4 के साथ पठित नारियल जटा उद्योग नियम, 1954 के नियम 5 के उपनियम (1) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा दार्णिक्य मंत्रालय की अधिसूचना संख्या सं० आ० 2672 दिनांक 31 अगस्त, 1966 में निम्नलिखित संशोधन प्रारंभ करती है, अर्थात् :—

“(उ) संवद सदस्य” शीर्षक के नीचे क्रमांक 1 तथा 2 की विद्यमान प्रविष्टि में वे स्थान पर निम्नलिखित रखा जायेगा :—

“1. श्रीमती सुशीला गोदालन, सदस्य, लोक सभा ।

2. श्री बी० बन्धामित्रम, सदस्य, लोक सभा ।”

[मि० सं० 21(1)/66-टेक्स (ई)]

ए० जी० दी० मुब्रह्मण्यम,

अवर सचिव, भारत सरकार ।

MINISTRY OF COMMERCE

New Delhi, the 19th October 1967

S.O. 3809.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the Surendranagar Cotton Oil and Oilseeds Association Ltd., Surendranagar, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of three years ending the 22nd November, 1970, in respect of forward contracts in Kapas.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(16)-CG(FMC)/67.]

M. L. GUPTA, Under Secy.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 16th October 1967

S.O. 3810.—In exercise of the powers conferred by Clause 9 of the Import Control Order 1955, dated 7th December 1955 as amended, the undersigned hereby cancels the Customs and Exchange Control Purposes Copies of Import Licence No. 989440/FC/61 dated 15th October 1962 for Rs 7,40,000/- issued in favour of M/s. Satyasheel Gupta, 138 Canning Street, Calcutta-1. The import licence was not registered with any Customs House and had remained un-utilised.

2. The reason for the cancellation is that it was granted on the basis of an Industrial Licence No. L/1A(7)/N-262/62 dated 21st February 1962 which had already been revoked by the Ministry of Industry as per their letter No. IA(7)/618/2A(III)/60-L.C. dated 1st March 1967. After the cancellation of the industrial licence, the operation of import licence in question is contrary to rules and hence the same has been cancelled.

[No. CG-I/12(14)/62-63.]

Y. J. DENNISON,

Dy. Chief Controller,
for Chief Controller.

(Office of the Chief Controller of Imports and Exports)**ORDERS***New Delhi, the 17th October 1967*

S.O. 3811.—In exercise of the powers conferred by clause 9 of the Imports Control Order 1955 dated the 7th December, 1955, as amended, the undersigned hereby cancels the Import licence No. G/RC/2085706/R/IA/CH/22 dated 7th May, 1966 (both Customs and Exchange Control Copies and list of goods in duplicate) for the import of components for Tempo Hanseat valued at Rs. 34,000/- falling under 86(ii)/V of the ITC Schedule, issued in favour of M/s. Bajaj Tempo Ltd., Poona.

The reason for cancellation is that the party supplied the stores to the Controller of Stores, N. E. Railway, Gorakhpur from their own stock.

[No. 2-B/Rly/66-67/GLS/690.]

New Delhi, the 21st October 1967

S.O. 3812.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order 1955, as amended, the undersigned hereby cancels both the customs purpose copy and Exchange Control purpose copy of import licence No. G/RC/2084947/R/IA/21/CH/22-22 dated 9-7-1965 for the import of 9.00-18 Tubes at Rs. 55/- issued in favour of M/s. The Dunlop Rubber Co. (India) Ltd., Calcutta.

[No. 22-D/Rly/65-66/GLS/712.]

S. A. SESHAN,
Dy. Chief Controller.

(Office of the Chief Controller of Imports and Exports)**ORDER***New Delhi, the 21st October 1967*

S.O. 3813.—M/s. Toshniwal Brothers Private Ltd., New Delhi were granted an import licence No. G/DG/2104565/T/DL/22/C/H/21.22 dated 15-11-1965 for Rs. 6960/- for the import of Model No. MHS. 501, MSPEC 3893 Inventor Power Supply falling under 78(IX)/V of the I.T.C. schedule. As the above licence which has not been utilised, has expired on 31st August, 1966, both copies of the same are hereby cancelled.

[No. 67-T/Cont/65/66/GLS/713.]

S. A. SESHAN,
Dy. Chief Controller of Imports & Exports.
for Chief Controller.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION**(Department of Agriculture)***New Delhi, the 10th October 1967*

S.O. 3814.—The following draft of Eggs Grading and Marking Rules, 1967, in supersession of the Eggs Grading and Marking Rules, 1937, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 10th November, 1967.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT RULES

(1) *Short title and application.*—(1) These may be called the Table Eggs Grading and Marking Rules, 1967.

(2) They shall apply to table Eggs produced in India.

2. *Definitions:*—In these rules:

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India and includes any officer subordinate to him to whom the powers under these rules may be delegated by the Agricultural Marketing Adviser.

(b) "Schedule" means a schedule appended to these rules.

(c) "table eggs" means edible eggs derived as a product of poultry husbandry.

3. *Grade designation*.—The grade designation to indicate the quality of table eggs shall be as set out in column (1) of Schedule II.

4. *Definition of quality*.—The quality of table eggs indicated by the respective grade designations shall be as set out against each grade designation in columns (2) to (8) in the said schedule.

5. *Grade designation marks*.—(1) The grade designation mark in the case of each table egg shall consist of a design incorporating the word 'Agmark' and the grade of the egg as approved by the Agricultural Marketing Adviser to the Government of India placed centrally in a circle of not less than 13 mm. in diameter.

(2) The grade designation mark in the case of containers in which graded table eggs are packed shall consist of a label specifying the grade designation and bearing the design of the colour as set out in the table below and consisting of an outline map of India with the word 'Agmark' and the figure of the rising sun, with the words "produce of India" and (भारतीय उत्पाद) and resembling the one set out in Schedule I.

TABLE

The grade designation mark to be attached to each package of table eggs shall consist of a label bearing the design set out in Schedule I, specifying the grade designation and of the following colour, namely:—

Grade Designation	Colour of Label
(1)	(2)
Extra Large	White
Large	Red
Medium	Blue
Small	Yellow

NOTE.—Where a package contains eggs of two or more grades separate labels of appropriate colour shall be attached giving the particulars in respect of the eggs of each grade in the package.

6. *Method of Marking*.—(1) The grade designation mark shall be marked legibly on each egg, in indelible ink, on the shell by means of a rubber stamp, in a manner approved by the Agricultural Marketing Adviser.

(2) The grade designation mark label shall be attached by means of a lead seal bearing the word AGMARK to each package of table eggs, and shall clearly show the following particulars:—

- Grade designation of the eggs;
- number of eggs;
- net weight of eggs;
- name of grading station;
- date of despatch.

7. *Method of packing*.—(1) Only sound, clean and dry containers which are suitable for the purpose shall be used for packing and every one of them shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

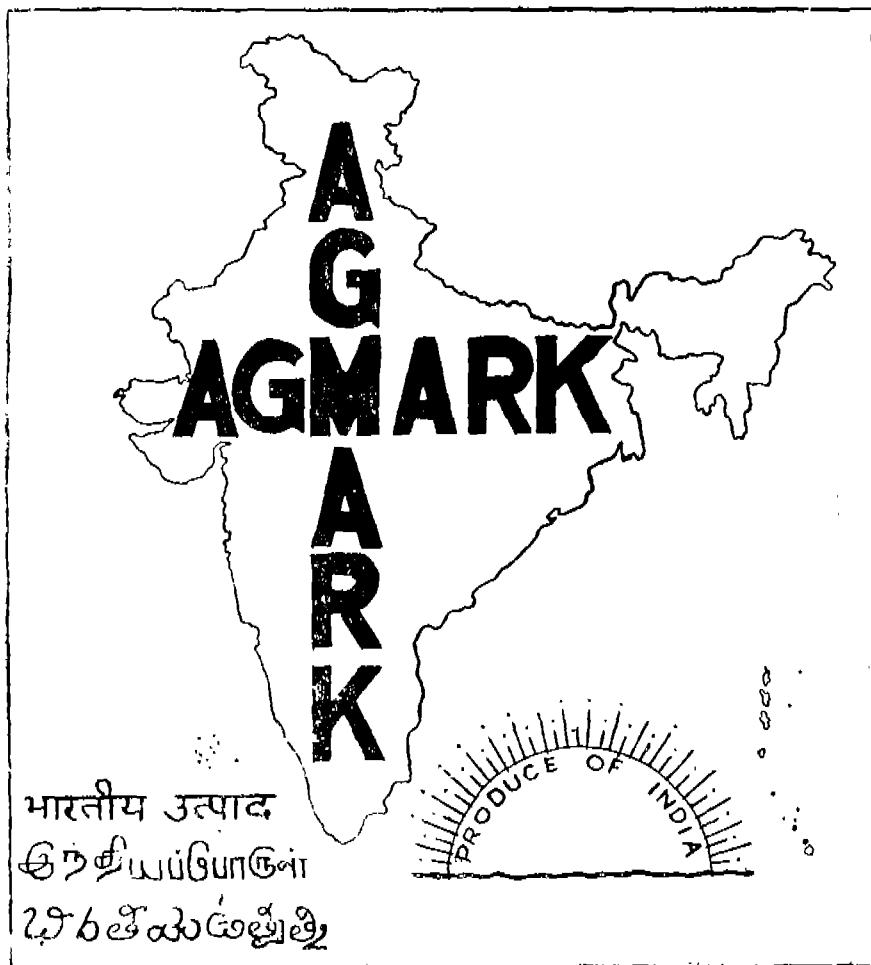
(3) Packing material, if used, shall be clean, dry sweet smelling and free from any taint liable to impart any objectionable flavour to the eggs.

(4) Eggs of different grades shall also be packed separately as far as possible and, if eggs of more than one grade are packed in one container, a layer of clean paper or clean straw shall be placed between the different grades.

8. The Eggs Grading and Marking Rules, 1937 are hereby repealed without prejudice to anything done or any action taken thereunder.

SCHEDULE I

(See rule 5)



SCHEDULE II

Grade designation and definition of table eggs produced in India

(See rules 3 and 4)

Grade	Weight in- dividual in gms.	Weight per dozen in gms.	Weight per unit of ten in gms.	Shell	Air Cell	White	Yolk
I	2	3	4	5	6	7	8
A. Extra 60 and Large above	715 and above	596 and above	} Clean, unbroken and sound shape normal.	upto 4 mm in depth, practically regu- lar or better.	Clear reasonably firm.	Fairly well centred, prac- tically free from defects outline indistinct.	
A. Large 53-59	631-714	526-595					
A. Medium 45-52	535-630	446-525					
A. Small 38-44	456-534	380-445					
B. Extra 60 and Large above	715 and above	596 and above					
B. Large 53-59	631-714	526-595	} Clean to moderately stained sound and slightly abnormal.	8 mm in depth, may be free and slight- ly bubbly.	Clear, may be slightly weak.	May be slightly off- centred outline slightly visible.	
B. Medium 45-52	535-630	446-525					
B. Small 38-44	456-534	380-445					

[No. 13-14/67-A.M.]

E. K. BALASUNDARAM, Under Secy.

MINISTRY OF EDUCATION**(Cultural Activities Division I)****[CAI(1) Section]****ARCHAEOLOGY***New Delhi, the 7th October 1967*

S.O. 3815.—In exercise of the powers conferred by sub-section (i) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Education No. S.O. 2827 dated the 15th September, 1966 published in Part II Section 3(ii) of the Gazette of India dated the 24th September, 1966.

[No. F. 4/17/65-CAI(1).]

New Delhi, the 16th October 1967

S.O. 3816.—Whereas by notification of the Government of India in the Ministry of Education No. S.O. 1809, dated the 16th May, 1967, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 27th May, 1967, the Central Government gave notice of its intention to declare the ancient monument specified in the Schedule below to be of national importance;

And whereas no objections have been received to the making of such declaration;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said ancient monument to be of national importance.

THE SCHEDULE

S. No.	State	District	Tehsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
I	2	3	4	5	6	7	8	9	10	11
1	Himachal Pradesh	Kangra	Hamirpur	Sujanpur	Narbadeshwar temple and including the paintings therein as well as the subsidiary shrines within the compound wall together with adjacent land con-fixed in survey plot No. 786.	Survey plot No. 786	4 Kanal 2 Marla	North : Survey plot No. 789 East : Survey plot Nos. 787 and 788 South : Survey plot No. 785 West : Survey plot Nos. 784 and 789.	Temple property.	Within temple compound wall there is Pujari Quarter as well as kitchen.

[No. F. 4(23)/66-CAI (1)]

SHARDA RAO (Mrs.),
Assistant Educational Adviser.

MINISTRY OF HEALTH AND FAMILY PLANNING**(Department of Health)***New Delhi, the 18th October 1967*

S.O. 3817.—Whereas, in pursuance of the Provisions of clause (c) of section 3 of the Dentists Act, 1948 (16 of 1948), the following persons have been elected to be the members of the Dental Council of India with effect from the 1st August, 1967, namely:—

1. Prof. B. K. Venkataraman, M.B.B.S., B.D.S., M.S., Vice-Principal, Dental College, Bangalore-2.
2. Prof. Arup Kumar Dass, M.B.B.S., D.T.M.&H., B.D.S., M.S., Principal, Dr. R. Ahmed Dental College and Hospital, Calcutta.
3. Prof. K. Ramachandran, B.Sc., B.D.S., F.D.S., R.C.S., Professor and Head, Dental Wing, Madras Medical College, Madras.

Now, therefore, in pursuance of the provisions of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. F. 3-2/62-MII. dated the 17th October, 1962, namely:—

In the said notification, in the entries under the heading "Elected under clause (c) of section 3", for the existing entries against serials No. 2, 3 and 4, the following entries shall be substituted, namely:—

- "2. Prof. B. K. Venkataraman, M.B.B.S., B.D.S., M.S., Vice-Principal, Dental College, Bangalore-2.
3. Prof. Arup Kumar Dass, M.B.B.S., D.T.M.&H., B.D.S., M.S., Principal Dr. R. Ahmed Dental College and Hospital, Calcutta.
4. Prof. K. Ramachandran, B.Sc., B.D.S., F.D.S., R.C.S., Professor and Head, Dental Wing, Madras Medical College, Madras."

[No. F. 3-3/67-MPT.]

ORDERS*New Delhi, the 18th October 1967*

S.O. 3818.—Whereas the Government of India in the late Ministry of Health and Family Planning has, by notification No. 16-12/60-MI, dated the 9th January, 1961, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. (Western Reserve University, Cleveland) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Hibbard Harlan David who possesses the said qualification, continues to work with the American Peace Corps, Delhi Regional Office, New Delhi, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever, is shorter, as the period to which the medical practice of the said Dr. Hibbard Harlan David shall be limited.

[No. F. 19-41/67-MPT.]

New Delhi, the 19th October 1967

S.O. 3819.—Whereas the Government of India in the Ministry of Health and Family Planning has, by notification No. 18-1/65 MPT, dated the 14th June, 1965 made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification 'M.D.' granted by the University of Alberta, Canada for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years with effect from the 22nd June, 1967 or so long as Dr. Ormond James Uptigrove who possesses the said qualification, continues to work in the Evangelical Alliance Mission, Amalner, District Jalgaon (Maharashtra) to which he is attached for the time

being for the purposes of teaching, research or charitable, work, whichever is shorter, as the period to which the medical practice of the said Dr. Ormond James Uptigrove shall be limited. Provided further that the said Doctor continues to be enrolled as medical practitioner in accordance with the law regulating the registration of medical practitioners for the time being in force in the country of his origin.

[No. F. 19-43/67-MPT.]

L. K. MURTHY, Under Secy.

(Department of Health)

New Delhi, the 20th October 1967

S.O. 3820.—Whereas in pursuance of clause (e) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the State Government of Mysore has renominated Shri C. P. Hartman, M.Sc., M.I.C.E., Senior Chemist and Public Analyst, Public Health Institute, Bangalore as a member of the Central Committee for Food Standards representing that Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act the Central Government hereby directs that Shri C. P. Hartman, Senior Chemist and Public Analyst, Public Health Institute, Bangalore, shall continue to be a member of the Central Committee for Food Standards.

[No. F.14-25/67-PH.]

M. C. JAIN, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 16th October 1967

S.O. 3821.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st November, 1967, as the date on which the Measured Rate System will be introduced in Kalamasseri Telephone Exchange.

[No. 5-49/67-PHB.]

D. R. BAHL,

Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 9 अक्टूबर 1967

एस० ओ० 3822.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक व तार महानिदेशक ने कलमस्सरि टेलीफोन केन्द्र में 1-11-67 से प्रभापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-49/67-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)।

(P. & T. Board)

New Delhi, the 18th October 1967

S.O. 3823.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st November, 1967, as the date on which the Measured Rate System will be introduced in Chandragiri, Tirumalai and Renigunta in the local area of Tirupati Telephone Exchange.

[No. 5-50/67-PHB.]

M. M. WAGLE,
Director of Phones (E).

(डाक-तार बोर्ड)

नई दिल्ली, 18 अक्टूबर 1967

एस० ओ० 3824.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने चन्द्रगिरी, तिरुमलाई, रेनीगुन्टा टेलीफोन केन्द्र में 1-11-67 से प्रभापित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5/50/67-पी० एच० बी०]

एम० एम० बागले,
निदेशक फोन्स (इंजीनीयरी)

CENTRAL ELECTRICITY AUTHORITY*New Delhi, the 17th October 1967*

S.O. 3825.—In exercise of the powers conferred by Sub-Section 6 of Section 3 of the Electricity (Supply) Act, 1948, the Central Electricity Authority hereby appoints Shri Badal Sen Gupta, Assistant Director, C.W.&P.C. (PW) as Assistant Director in the Eastern Regional Electricity Board, with effect from the forenoon of the 25th September, 1967, until further orders.

[No. 21/8/66-Adm.I.]

M. M. DHAWAN, Under Secy.
for Chairman, CEA.

MINISTRY OF INFORMATION AND BROADCASTING*New Delhi, the 9th October 1967*

S.O. 3826.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints following persons after consultation with Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Madras with immediate effect.

1. Smt. R. Shamanta.
2. Shri T. Neelakantan.
3. Mrs. Soundra Kallasam.

[No. 11/3/65-FC.]

New Delhi, the 18th October 1967

S.O. 3827.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Mr. Yousuf Kokan after consultation with Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/3/65-FC.]

H. C. KHANNA, Dy. Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 20th October 1967

S.O. 3828/15/IDRA/3/67.—In the notification published in the Gazette of India Extraordinary dated the 25th August 1967, ordering investigation into the affairs of M/s. Samastipur Central Sugar Company Ltd., Samastipur, District Darbhanga, Bihar, the words "Industrial (Development and Regulation) Act, 1951" appearing in the sub-paragraph (iii) may be read as "Industries (Development and Regulation) Act, 1951".

[No. 9(2)/Lic. Pol./67.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

(INDIAN STANDARDS INSTITUTION)

New Delhi, the 10th October 1967

S.O. 3829.—In pursuance of sub-rule (1) of Rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Marks designs of which together with the verbal description of the designs and the titles of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified.

These Standard Marks for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal Description of the Design of the Standard Marks	Date of Effect
1	2	3	4	5	6
1.	IS : 1729	Sand cast iron soil pipes	IS : 1729-1964—Specification for sand cast iron spigot and socket soil waste and ventilating pipes, fittings and accessories.	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design.	1 October 1967



1	2	3	4	5
2.	IS : 3564	Door closers (hydraulically regulated)	IS : 3564—1966 Specification for door closers (hydraulically regulated)	The monogram of the 16 October 1967 Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.



[No. MD/17:2.]

S. O. 3830.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for pipes and door closers, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sand cast iron soil pipes	IS : 1729—1964 Specification for sand cast iron spigot and socket soil, waste and ventilating pipes, fittings and accessories.	One Tonne	Rs. 1.00	1 October 1967
2.	Doors closers (hydraulically regulated)	IS : 3564—1966 Specification for door closers (hydraulically regulated)	One Piece	15 Paise	16 October 1967

[No. MD/18:2]

New Delhi, the 13th October 1967

S.O. 3831.—In licences No. CM/L-1490, 1491 and 1492, held by M/s. Polypharm Private Limited, 29 Panchpakhadi, Opp: Castle Mills, Khanna Compound, Agra Road, Thana having their office at 8 Tamarind Lane, First Floor, Spinner Building, Fort, Bombay-1, the details of which have been published under S. O. 3338 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 23 September 1967, the list of articles of these licences have been revised as under with effect from 1 September 1967:

Licence No.	Revised Article
CM/L-1490	Sulphuric Acid, Analytical Reagent and Pure Grades only
CM/L-1491	Nitric Acid, Analytical Reagent and Pure Grades only
CM/L-1492	Hydrochloric Acid, Analytical Reagent and Pure Grades only

[No. MD/12:2222-A.]

New Delhi, the 19th October 1967

S.O. 3932.—In pursuance of sub regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that in licence No. CM/L-564, particulars of which are given below the list of articles has been revised with effect from 16 August 1967:

Licence No. and date	Name and address of the licensee	Article/process covered by the licence	Relevant Indian Standard
CM/L-564 19-7-63	M/s. Associated Tube Wells (India) Pvt. Ltd., Modanagar having their office at 12 Seema House, New Delhi.	Flushing Cisterns, High Level 12.5 litres capacity and 15 litres capacity.	IS:774—1964 Specification for Flushing Cisterns for Water Closes and Urinals (Valveless Siphonic Type) (Second Revision)

[No. MD/55 : 564.]

(DR.) SADGOPAL, Dy. Director General.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour & Employment)

New Delhi, the 13th October 1967

S.O. 3833.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the matter of an application under section 33A of the said Act from Shri Gauda Dome, Pump Khalasi, C/o Colliery Mazdoor Sabha, Post Office Raniganj (Burdwan) which was received by the Central Government on the 6th October, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Misc. Application No. 6 of 1967

MISC. APPLICATION NO. 6 OF 1967

PARTIES:

Shri Gauda Dome, Pump Khalasi, C/o Colliery Mazdoor Sabha, P.O. Raniganj (Burdwan).—*Applicant.*

Vs.

Manager, Ramnagar Colliery, P. O. Pandaveswar (Burdwan).—*Opp. Party.*

PRESENT:

Shri S. K. Sen Presiding Officer.

APPEARANCES:

On behalf of Applicant.—Shri P. Das Gupta, Advocate.

On behalf of Opp. Party.—Shri S. S. Mukherjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

Geda@ Gauda Dome, Pump Khalasi, was dismissed by the Management, Ramnagar Colliery, on 26th July 1966, after separate domestic inquiries on two charge-sheets, (i) for abusing and threatening the Manager on 18th June 1966, (ii) for being concerned in perforating the underground high voltage cable on 9th June 1966. Gauda Dome filed an application under section 33A of the Industrial Disputes Act on 22nd May 1967 before the Tribunal, Calcutta alleging that the Management had not complied with the provisions of Section 33 of the Act, there being a Reference case concerning some workmen of Ramnagar colliery pending before the Tribunal (at Dhanbad) on 26th July 1966. On 30th September 1966, the applicant through his Advocate filed an application for withdrawal of the

application U/s. 33A, as the applicant wants to apply to the appropriate Conciliation Officer for relief. Order 39 of the Civil Procedure Code relating to withdrawal of plaints and applications does not apply to proceedings before the Industrial Tribunal. But as the application under Section 33A is not pressed, it is dismissed.

(Sd.) S. K. SEN,

Presiding Officer.

Dated Calcutta, the 30th September 1967.

[No. 6/118/65-LRII.]

S.O. 3834.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the matter of an application under section 33A of the said Act from Shri Babulal Passi, C/o. Colliery Mazdoor Sabha, Post Office Raniganj, Burdwan, which was received by the Central Government on the 6th October, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

MISC. APPLICATION No. 5 OF 1967

(Arising out of Reference No. 86 of 1966.)

PARTIES:

Shri Babulal Passi C/o. Colliery Mazdoor Sabha, P.O. Raniganj (Burdwan)
—Applicant.

Vs.

Manager, Ramnagar Colliery, P.O. Pandaveswar (Burdwan)—Opp. Party.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Applicant.—Shri P. Das Gupta, Advocate.

On behalf of opp. Party.—Shri S. S. Mukherjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

Babulal Passi, a dresser was dismissed by an order of the Management on 27th August 1966, on the finding made after a departmental inquiry that he was responsible for cutting or perforating the insulated electric cable in the mine on 24th June 1966. He filed an application under Section 33A of the Industrial Disputes Act, on 22nd May 1967 before the Tribunal at Calcutta, alleging that a Reference case was pending regarding some workmen of Ramnagar colliery on 27th August 1966 (before the Tribunal at Dhanbad) and the Management did not obtain the Tribunal's approval U/s. 33(2)(b) of the Act. On 30th September 1967, the date fixed for the hearing of the application, the applicant has filed a petition seeking to withdraw the application as he desires to move the Conciliation Officer for a settlement. Order 39 of the Code of Civil Procedure has not been made applicable to proceedings before the Tribunal. The application under Section 33A of the I.D. Act is dismissed as it is not pressed.

(Sd.) S. K. SEN,

Presiding Officer.

Dated Calcutta, the 30th September 1967.

[No. 6/118/65-LRI.]

S.O. 3835.—In pursuance of section 17 of the Industrial Disputes 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Dalmiya Colliery, Post Office Salanpur, Burdwan and their workmen, which was received by the Central Government on the 6th October, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 4 OF 1967

PARTIES:

Employers in relation to the Dalmiya Colliery,

AND

Their Workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri S. S. Mukherjee, Advocate.*On behalf of Workmen.*—Shri H. H. Mukherjee, (Concerned workman).

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

By Order No. 6/61/66-LRII dated 6th January 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Dalmiya Colliery, P. O. Salanpur, Burdwan and their workmen in respect of the matters specified in the following schedule:

"Whether the termination of service of Shri H. H. Mukherjee, Electric Supervisor of Dalmiya Colliery with effect from the 13th June, 1966 was justified? If not, to what relief is he entitled?"

2. Shri H. H. Mukherjee was appointed as Electric Supervisor of Dalmiya Colliery with effect from 16th March, 1966; the appointment was subject to three month's probation. Before the completion of three months i.e., on 13th June, 1966 the appointment was terminated by the management. According to the case set out in the written statement of the workmen, H. H. Mukherjee became a member of the Colliery Mazdoor Union and took part in union activities at Dalmiya Colliery; the management asked him not to remain a member of the union as he was a Supervisor and as H. H. Mukherjee did not agree to sever his connection with the trade union, the management without assigning any reason terminated his service by a letter dated 13th June 1966. The Colliery Mazdoor Union referred the case of H. H. Mukherjee to the A. L. C. Central Asansol. Before the A.L.C., C., Asansol, the management took the stand that H. H. Mukherjee's work as Electric Supervisor was not satisfactory as he remained absent on flimsy ground on many occasions and as the result of insufficient supervision of the electrical system there was a serious break down of the electrical system on 26th May 1966 causing loss of several thousands of rupees to the company; that H. H. Mukherjee refused to stay at the colliery and as the company was not satisfied with his work and conduct, he was informed about the 1st of June, 1966 that his services would be terminated and he was given 10 or 12 days time to find out another job. Thereafter the letter of termination of service was given to him on 13th June 1966. According to the union, if H. H. Mukherjee's work was found to be unsatisfactory he should have been chargesheeted for such unsatisfactory work and without such proceedings his appointment could not be summarily terminated.

3. According to the management however, the management had the right to terminate his services summarily without notice within the probationary period and it was immaterial whether or not H. H. Mukherjee had committed a misconduct for which a proceeding might have been started against him. Further, according to the management it was not because of any particular misconduct but because his work was unsatisfactory that his services were terminated before the completion of the probationary period, and the management was entitled under the terms of appointment to terminate the services of H. H. Mukherjee in that manner.

4. In his evidence before the tribunal, H. H. Mukherjee has stated nothing about the management being dis-satisfied because he joined the union and refused to give up connection with the union. He has stated that with the permission of the manager, Sri B. Ghose, he took up a part-time work as Electric Supervisor in a neighbouring colliery, namely Alkusa-Gopalnagar colliery from 1st June, 1966 and thereafter the manager asked him to give up the part-time

job at Alkusa Gopalpur colliery and take a part-time job at Bonbiddi colliery where also Sri B. Ghose was working as the manager and as there was no suitable quarters for him either at Bonbiddi or at Dalmia colliery whereas he got suitable quarters at Alkusa-Gopalpur Colliery, he refused the manager's request and so the manager was angry with him and terminated his services for that reason.

5. But this account of why the manager was displeased with him does not occur either in the written statement filed by the union on behalf of the workman concerned or in the statement of the case before A. L. C. Central Asonsol made by the then union Secretary, Keshab Banerjee, on behalf of the workman. In the circumstances, this account cannot be accepted. The reason given in the written statement, namely, that the manager was displeased because he refused to sever his connection with the union, cannot also be accepted because no such case was suggested by H. H. Mukherjee in his evidence before the tribunal. The management has filed three letters Exts. C, C1 and C2 to show that H. H. Mukherjee absented himself for 3 days during April and 6 days in May. The reason given by Sri Mukherjee during his evidence that this was mainly due to break down in one of the bus services which he had to catch in order to go from his rented house at Asansol to the colliery situated at a distance of about 20 miles. But according to the conditions of service he was expected to reside in the colliery area where he was appointed. Sri Mukherjee's evidence is that he was not provided with quarters at Dalmia colliery, but the in-charge, Bidyapati Chakravorty, who deposed on behalf of the management, stated that the incumbent of the post of Electric Supervisor occupied one of the staff quarters at Dalmia colliery both before and after the tenure of Sri Mukherjee. Possibly Sri Mukherjee did not consider the available quarters as suitable for him. In any case, if the management did not consider his work satisfactory the management could terminate the service before the completion of the period of probation. The Standing Orders of the colliery have been produced before the tribunal. The Standing Orders distinguish between a permanent workman and a probationer. A permanent workman is defined as one appointed against a permanent post who has satisfactorily put in 3 months of continuous service as a probationer. A probationer is defined as one who is appointed against a permanent vacancy but who is provisionally employed and has not completed the period of 3 months. Under clause 14 of the Standing Orders, it is only permanent monthly paid workmen who have to be served with one month's notice for termination of service. For probationers and for temporary workmen no such notice is required. That being so, it cannot be said that the termination of service of Sri H. H. Mukherjee as Electric Supervisor was unjustified.

6. My award therefore is that the termination of service of Shri H. H. Mukherjee, Electric Supervisor of Dalmia Colliery with effect from 13th June, 1966 was not unjustified because the termination was made before the completion of the period of three month's probation. Accordingly, Shri H. H. Mukherjee is not entitled to any relief.

(Sd.) S. K. SEN,
Presiding Officer.

Dated. 30th September, 1967.

[No. 6/61/66-LRII.]

New Delhi, the 16th October 1967

S.O. 3836.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Selected Samla Colliery of Messrs Selected Dalurband Coal Company (Private) Limited, Post Office Pandaveshwar, District Burdwan and their workmen, which was received by the Central Government on the 30th September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 66 OF 1967

PARTIES:

Employers in relation to the Selected Samla Colliery of Messrs Selected Dalurband Coal Company (Private) Limited,

AND

Their Workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—

Shri K. P. Mukherjee, Bar-at-Law.
Shri R. L. Gupta, Manager and
Shri P. P. Tewari, Chief Personnel Officer.

On behalf of Workmen—

Shri Benarasi Prasad Azad, General Secretary.
Shri Guru Prasad Singh, Jt. General Secretary,
Khan Shramik Congress.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/127/66-LRII, dated 24th August, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to Selected Samla Colliery of Messrs Selected Dalurband Coal Company (Private) Limited, P.O. Pandaveshwar, District Burdwan, and their workmen represented by the Khan Shramik Congress in respect of the matter specified in the following schedule :

"Whether the demand of the workmen of Selected Samla Colliery (Post Office Pandaveshwar, District Burdwan) of Messrs Selected Dalurband Coal Company (Private) Limited, who had gone on strike from the 1st August, 1966 and are not working at the said colliery, that they should be allowed to resume their duties and paid full wages and other benefits with retrospective effect from the 1st August, 1966 was justified? If so, to what relief are the workmen concerned entitled and from which date?"

2. After issue of notices by the Tribunal, the parties have appeared to-day (27th September, 1967) before the Tribunal and filed a joint petition enclosing a memorandum of settlement. The memorandum of settlement includes as Annexure 'A' the names of 385 workmen who went on strike from 1st August, 1966 including 71 workmen against whom orders of dismissal were passed by the management after departmental enquiry. Work at the colliery was resumed from 1st November, 1966 with new men in place of the striking workmen and thereafter the Khan Shramik Congress applied to the A.L.C., Central, Raniganj for intervention. The matter was referred to adjudication as there was no settlement before the A.L.C., Central, Raniganj. The parties have now agreed that the 71 workmen who were dismissed on the basis of the disciplinary proceedings will have no claim against the management, the names of these 71 workmen being mentioned in Annexure B; that the management will re-employ in permanent vacancies arising within 3 months from this date the 100 workmen whose names are listed in Annexure A1 or so many of them as may be provided in permanent vacancies occurring within the period, there being no liability on the part of the management to consider their cases after the expiry of 3 months; that an *ex-gratia* payment at the rate of Rs. 200 per head shall be made to the 50 workmen whose names are listed in Annexure C and that the management shall further pay a sum of Rs. 4,000 to the Khan Shramik Congress for relief of such of the striking workmen as by reason of financial difficulties due to drought in Bihar and West Bengal deserve for such payment.

3. The terms must be considered satisfactory for both parties concerned and are accepted and an award is made in terms of the joint petition and the memorandum of settlement which are made parts of the award.

(Sd) S. K. SEN,

Presiding Officer.

Dated, 27th September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

IN THE MATTER OF REFERENCE No. 66 of 1967

AND

IN THE MATTER OF

Employers in relation to the Selected Samla Colliery (Owners: Selected Dalurband Coal Co. P. Ltd.). P.O. Pandaveshwar, District Burdwan

AND

Their Workmen employed at the above-mentioned Colliery and represented by Khan Shramik Congress, a Registered Trade Union of the workmen employed at the above-mentioned Colliery and having its Office at P.O. Ukhra, District Burdwan

The humble joint petition on behalf of the parties above-named, most respectfully sheweth:—

- (1) That this reference is pending adjudication before this Hon'ble Tribunal and the parties herein have already received notices from this Hon'ble Tribunal for submission of their respective written statements.
- (2) The parties herein, in the meantime entered into mutual negotiations relating to the subject matter of the reference pending adjudication proceedings and entered into Memorandum of Settlement dated, the 27th September, 1967, a copy whereof is annexed hereto and marked "A". That in view of the Settlement of the dispute pending adjudication before this Hon'ble Tribunal, the parties herein submit that an Award be made by this Hon'ble Tribunal recording Settlement out of Court the subject matter of the pending adjudication proceedings or in the alternative an Award incorporating the above-mentioned Memorandum of Settlement.

Your petitioners, therefore, jointly pray that this Hon'ble Tribunal be pleased to record the Settlement out of Court of the subject matter of the present adjudication proceedings. Alternatively the petitioners jointly pray that an Award be made incorporating the above-mentioned Memorandum of Settlement.

Your petitioners as in duty bound shall ever pray.

Dated, the 27th September, 1967

For the employees

BENARASI SINGH AZAD,
General Secy of
Khan Shramik Congress.
GURU PRASAD SINGH,
Joint General Secretary.

For the Company

PREM PHAL TIWARI,
Chief Personnel Officer.

RAM LAKHAN GUPTA,
Manager,

Selected Samla Colliery.
27-9-1967

MEMORANDUM OF SETTLEMENT

Names of the Parties:

Selected Samla Colliery (Owners: Messrs. Selected Dalurband Coal Co. P. Ltd.) having its Colliery, P.O. Pandaveshwar, District Burdwan and their Workmen employed at the above-mentioned Colliery represented by Khan Shramik Congress, P.O. Ukhra, District Burdwan.

Representing the Employers:

1. Shri P. P. Tiwari, Chief Personnel Officer of the Selected Samla Colliery.
2. Shri R. L. Gupta, Manager of the Selected Samla Colliery.

Representing the Workmen:

1. Shri Benarasi Singh Azad, General Secretary, Khan Shramik Congress, P.O. Ukhra, District Burdwan.
2. Shri Guru Prasad Singh, Joint General Secretary of Khan Shramik Congress, P.O. Ukhra, District Burdwan.

Short Recital of the Case.

That Khan Shrimak Congress, the registered Trade Union of the Workmen employed by the Selected Samla Colliery of Messrs. Dalurband Coal Co. P. Ltd. from time to time raised various disputes and demands on behalf of the Workmen and resorted to various Trade Union activities, whereby the service conditions and benefits of the workmen concerned were benefited. On account of interference by outsiders there were stoppage of work on 1st August, 1966, followed by assault on 16th August, 1966 on the Manager of the Colliery as well as other criminal activities as a result of which the police came at the Colliery and took steps in the matter as a result of which certain criminal proceedings are pending. On 1st November, 1966 the normal works were resumed at the Colliery. In the meantime, due to the disturbances which followed subsequent to 1st August, 1966, a large number of workmen left the Colliery. In these circumstances, the Khan Shramik Congress raised industrial disputes relating to the non-employment of the workers who were employed prior to 1st August, 1966.

Further, the appropriate Government on the basis of such representations made the reference dated the 24th August, 1967 to the Central Government Industrial Tribunal, Calcutta relating to the demand of the workmen who had gone on strike from 1st August, 1966 and are not working at the above-mentioned Colliery. On behalf of the workmen of the above-mentioned Colliery, Khan Shramik Congress negotiated the subject matter of the above-mentioned reference at present pending before the Hon'ble Central Government Industrial Tribunal and after mutual discussions and negotiations with the Employees it is agreed between the parties as follows :—

Terms of Settlement

- (1) The parties agree that the total number of workmen who had gone on strike from 1st August, 1966 and are not working at the above-mentioned Colliery are 385 persons including 71 workmen who were dismissed by the Company for departmental enquiry. List of such 385 Workmen is annexed hereto as Annexure 'A' to be treated as a part hereof.
- (2) The parties agree that the subject matter of the above-mentioned reference dated the 24th August, 1967 is settled out of Court and the workmen who are affected by the above-mentioned pending reference have got no further dispute and/or demand as all such demands and/or disputes including the claim of re-employment or reinstatement are settled out of Court.
- (3) As special case the Company agrees to pay a sum of Rs. 4,000 (Rupees Four thousand) in all to such of the workmen concerned in the above-mentioned reference as for genuine reasons of financial difficulties due to the decision of Khan Shramik Congress relating to such deserving workers shall be final. The Company shall on the date of signing the present Memorandum of Settlement pay the above-mentioned amount to the Khan Shramik Congress for the purpose of disbursement to the deserving workers concerned.
- (4) The Company agrees to consider the cases of one hundred workmen as suggested by Khan Shramik Congress for giving preference for employment in future at the above-mentioned Colliery, in case there be any permanent vacancy within three months from the date of signing the present Memorandum of Settlement, provided such workmen are required for any particular permanent job in which such worker was employed prior to 1st August, 1966. The names of such 100 (one hundred) workmen are stated in Annexure "A" to the present Memorandum of Settlement, to be treated a part hereof. After such period of three months, the Company shall have no liability to employ such workmen.
- (5) The parties herein agree and confirm that the dispute, if any, relating to 71 workmen against whom departmental disciplinary proceedings were instituted are settled and in future such persons shall have no claim whatsoever against the Company. The names of such 71 workmen are given in Annexure "B" to the present Memorandum of Settlement to be treated as a part hereof.
- (6) The Company further agrees to sympathetically consider the cases of the fifty workmen whose names have been suggested by the Khan Shramik Congress for *ex-gratia* payment of Rs. 200 (Rupees Two Hundred) to each of such workmen. The names of such fifty workmen are stated in the Annexure "C" hereto to be treated as part hereof. Such payments shall be made by the Company to these fifty workmen provided for such payments, the General Secretary of the Union countersigns the payment voucher to such individual workmen and identifies each of such fifty workmen.
- (7) The workmen and the Union agree and confirm that all claims, disputes, differences and demands are hereby mutually settled and there shall be no further claim, agitation and/or demand relating to the said 385 workmen who are covered under the said pending reference before the Central Government Industrial Tribunal, Calcutta.
- (8) The parties herein further agree that a joint petition shall be submitted by the parties herein before the Hon'ble Central Government Industrial Tribunal, Calcutta with joint prayer for recording the present settlement, so that an Award is made by the said Hon'ble Tribunal incorporating, if necessary, the present Memorandum of Settlement or an Award

recording that the parties herein have mutually settled the present matter out of Court.

Dated, the 27th September, 1967.

For the Employers :

PREM PHAL TIWARI

Chief Personnel Officer.

RAM LAKHAN GUPTA,

Manager,

Selected Samla Colliery.

27-9-1967.

Witnesses :—

For the Workmen :

BENARASI SINGH AZAD,

General Secretary of

Khan Shramik Congress
of Ukhara.

GURU PRASAD SINGH,
Joint General Secretary.

ANNEXURE A

S. No.	Name	Designation
(1)	(2)	(3)
1.	Durga Pal	Asstt. Sirdar
2.	Dasu Pasi	Endless Haulage Khalasi
3.	Bisto Dome... ..	Clipman
4.	Budhan Bagtl	W/E. Driver.
5.	Kisan Ram Kahar	—do—
6.	Akal Das	Pump Driver
7.	Parmaswar Mistry	Blacksmith Helper
8.	Topeswar Singh	"
9.	Kalipada Mondal	"
10.	Trisul Gorasi	"
11.	Kamal Dome	Surface Trammer
12.	Khursed Khan	"
13.	Year Mohammed	"
14.	Baharam Khan	"
15.	Madan Sith	"
16.	Nakul Mondal	W/E. Driver
17.	Rupchand Mondal	"
18.	Islam Mia	Fireman
19.	D. N. Das	Endless Haulage Khalasi
20.	Haradhan Bagtl	Clipman
21.	Kanhaya Prasad	F.R. Cooly
22.	Mongal Dome	S/Trammer
23.	Sanatan Das	"
24.	Nemal Bagtl	"
25.	Sukra Tudu	"
26.	Ratan Karmarkar	Latheman
27.	Motiram Rajvar	Latheman Helper
28.	Soharab Mia	L/Cleaner
29.	Ram Kisan Das	W/E. Driver
30.	Banshi Rai	Fireman
31.	Bangali Rai	Banksman
32.	Ram Pada Mondal	W/E. Driver
33.	Hiralal Chatterjee	End/Kh.
34.	Netai Mondal	Fan/Kh.
35.	Chetan Turi	S/Trammer
36.	Marjur Khan	"
37.	Lakhikanta Mal	"
38.	Mohammed Khan	"
39.	Santu Ram Kahar	D/Helper
40.	Gosai Dhibar	Banksman
41.	Nanku Pasi	P/Miner
42.	Basudeb Dome	"
43.	Naru Muchl	"
44.	Touzi Ram	"
45.	Budhu Muchl	"
46.	Abdul Karim	"
47.	Kamruddin Mia	"
48.	Santi Singh	"

Sl. No.	Name	Designation
1	2	3
49.	Bhaba Dome	P/Miner
50.	Matla Dome	"
51.	Kanak Dome	"
52.	Nakul Dome	"
53.	Uma Shanker Rajvar	Loader
54.	Ramvarat Shaw	"
55.	Ramkisan Muchi	"
56.	Karu Muchi	"
57.	Jagdeo Bhuia	"
58.	Suraj Bhuia	"
59.	Ch. Ganesh Yadav	"
60.	Ramlal Harijan	"
61.	Suku Harijan	"
62.	Bimal Nunia	"
63.	Ramrup Yadav	"
64.	Bhuneswar Shaw	"
65.	Ramdahin Shaw	"
66.	Ramcharan Bhuia	"
67.	Rambrich Bhuia	"
68.	No. 2 Mukdeo Dusad	"
69.	Bimal Singh	"
70.	Bali Singn	"
71.	Kuldip Ram	Loader
72.	Ramkr t Das	"
73.	Rambrich Das	"
74.	Ramabatar Das	"
75.	Pitambar Yadav	"
76.	Amrit Yadav	"
77.	Bodhi Mahato	"
78.	Sukar Mahato	"
79.	Sheodhari Ahir	"
80.	Budhan Bhar	"
81.	Bahal Bhar	"
82.	Jagu Kahar	"
83.	Feku Kahar	"
84.	Abdul Sekh	"
85.	Bulaki Mia	"
86.	Rambrich Gore	"
87.	Rambrich Bahi	"
88.	Banshi Jesowara	"
89.	Lakhan Jesowara	"
90.	Subedar Kuri	"
91.	Sardari Pasi	"
92.	Shankar Pasi	"
93.	Fouzdar Kuri	"
94.	Ramcharan Kuri	"
95.	Siut Pasi	"
96.	Jagdeo Yadav	"
97.	Budhan Suren	"
98.	Rupu Shaw	"
99.	Jitan Das	"
100.	Debi Charan Sonar	"
101.	No. 2 Mukdeo Dusad	"
102.	Rajo Das	"
103.	Bara Ganesh Yadav	"
104.	Bodi Mia	Onsellar
105.	Dulal Rai	P/Driver
106.	Satish Chatterjee	P/Driver
107.	Sudarra Shaw	L/Helper
108.	Shyam Naran Singh	B.M. Helper
109.	Gunadhar Sith	H/Driver
110.	Harison	Exp. Carrier
111.	Raibali Singh	Looseman
112.	Musud Mia	"
113.	Kutura Dome	Trammer
114.	Sristi Dome	"

Sl. No.	Name	Designation
115.	Gobardhan Sith	Trammer
116.	Balram Bhandari	"
117.	Niranjan Bhandari	"
118.	Keso Shaw	"
119.	Bikari Shaw	"
120.	Chunka Bisra	"
121.	Dewan Suren	"
122.	Jharia Suren	"
123.	Bineshwar Mahato	"
124.	Mansa Maji	"
125.	Somra Majhi	"
126.	Suknandan Ahir	P/Cooly
127.	Ball Ahir	"
128.	Kuldip Singh	Spraying Mazdoor
129.	Netai Upadhyaya	Stowing Mazdoor
130.	Arun Bauri	M/Driver
131.	Satu Dome	Stowing Mazdoor
132.	Bahadur Rai	P/Driver
133.	Ramnandan Harijan	P/Miner
134.	Jagannath Das	"
135.	Papan Jesowara	Loader
136.	Tilku Jesowara	"
137.	Deobaran Rajvar	"
138.	Abdul Aziz	"
139.	Bansi Harijan	"
140.	Ramkal Kahar	"
141.	Ramdhari Bhagat	"
142.	Chandrabali Gope	"
143.	Hira Rajvar	"
144.	Deosi Harijan	"
145.	Bedest Harijan	"
146.	Munilal Gore	"
147.	Tiloki Das	"
148.	Raghu Shaw	"
149.	Banafal Rajvar	"
150.	Bisan Tanti	Onsetter
151.	Bejoy Das	P/Driver
152.	Dolgobinda Mondal	"
153.	Radhashyam Mondal	"
154.	Tarapada Ghosh	"
155.	Mathura Dome	"
156.	Ramcharan Pasi	U/G.H./Driver
157.	Rasbehari Dome	Onsetter
158.	Ch. Basdeo Ram	L/Helper
159.	Haru Dome	P/Mistry
160.	T. Budhaya	"
161.	Nasir Mia	"
162.	Muslim Mia	"
163.	Chitu Pasi	P/Helper
164.	Sabrati Miah	P/Helper
165.	Supal Ghosh	M/Helper
166.	Amar Muchi	"
167.	Karnadhar Rai	"
168.	Jamruddin Mia	Exp. Carrier
169.	Jabed Khan	Trammer
170.	Madhusudan Yadav	"
171.	Abbas Mia	"
172.	Lakhan Rai	"
173.	Ajij Khan	"
174.	Rabi Rai	"
175.	Birbal Jesowara	Loader
176.	Fursati Jesowara	"
177.	Somaru Jesowara	"
178.	Muruli Jesowara	"
179.	Ramrup Jesowara	"
180.	Sudasan Jesowara	"
181.	Mangru Jesowara	"

Sl. No.	Name	Designation
182.	Kewaldhari Gosai	Loader
183.	Chandravan Kurmi	"
184.	Mosai Pasi	"
185.	Naresh Pasi	"
186.	Shyamlal Rajvar	"
187.	Sonai Jesowara	"
188.	Vaju Das	"
189.	Jagnaran Rajvar	"
190.	Harilal Rajvar	"
191.	Srinath Rajvar	"
192.	Kamla Rajvar	"
193.	Dasarath Bhuia	"
194.	No. 2 Dasarath Bhuia	"
195.	Sheratan Rajvar	"
196.	Swaminath Kuri	"
197.	Isrile Mia	"
198.	Basraf Mia	"
199.	Gofur Mia	"
200.	Sajnu Ahir	"
201.	Banarasi Kahar	"
202.	Budhu Kahar	"
203.	Dalu Mia	"
204.	Rasul Mia	"
205.	Mohammed Rasul	"
206.	Hasnu Mia	"
207.	Hanif Mia	"
208.	Sadakat Mia	"
209.	Seonath Barhi	"
210.	Tota Dusad	"
211.	Bechu Harijan	"
212.	Ram Nath Harijan	"
213.	Ramadhar Harijan	"
214.	Sukhari Munia	"
215.	Bikram Pasi	"
216.	Ramabatar Ahir	"
217.	Banarasi Jesowara	"
218.	No. 1 Ramnath Jesowara	"
219.	Mahangu Jesowara	"
220.	Harhangi Barhi	"
221.	Atwaru Chowhan	"
222.	Ramrup Yadav	"
223.	Kiola Bhuia	"
224.	Bira Bhar	"
225.	Ambika Singh	"
226.	Ramchander Singh	"
227.	Balmik Singh	"
228.	Ramkishan Singh	"
229.	Banshi Singh	"
230.	Jakhu Ram	"
231.	Tineshwari Mahato	"
232.	Kasi Harijan	"
233.	Rambrich Harijan	"
234.	Budhan Harijan	"
235.	Chandradeo Ahir	"
236.	Basdeo Ram	P/Driver
237.	Fulchand Ahir	onsetter
238.	Kalipada Sith	P/Driver
239.	Paban Rai	"
240.	Mahadeb Bagti	"
241.	Dharamdas Mondal	"
242.	Ganda Rai	H/Driver
243.	Seo Mondal Singh	"
244.	Sahathi Jesowara	P/Heper
245.	Serajuddin Mia	L/Heper
246.	Suleman Mia	Looseman

Sl. No.	Name	Designation
247.	Chatu Prasad	M/Helper
248.	Khitish Gope	Exp. Carrier
249.	Aklu Mia	Trammer
250.	Kasim Mia	"
251.	Jugal Mia	"
252.	Jadu Mia	"
253.	Bara Rasid Mia	"
254.	Ali Mohammed	"
255.	Nani Gopal Das	"
256.	Firoz Khan	"
257.	Hamu Khan	"
258.	Tosu Khan	"
259.	Munilal Mondal	"
260.	Rasul Mia	"
261.	Bhutnath Mondal	H/Driver (Bunker)
262.	Kiriti Das	Fireman
263.	S. K. Mondal	L/Mistry
264.	Kanan Kr. Mondal	L/Helper
265.	Soni Muchi	D/Wagon Loader
266.	Adari Muchi	"
267.	Nathu Muchi	"
268.	Basi Muchi	"
269.	Kisto Muchi	"
270.	Karna Muchi	"
271.	Sukbasi	"
272.	Sarali Muchi	"
273.	Basini Muchi	"
274.	Anhela Muchi	"
275.	Gulam Muchi	"
276.	Sabi Muchi	"
277.	Punit Bhula	"
278.	Bara Ramsarup Bhula	"
279.	Sohagi Bhula	"
280.	Sadhu Bhula	"
281.	Hamdhanl Bhula	"
282.	Fulia Bhula	"
283.	Budhan Bhula	"
284.	Jagdish Bhula	"
285.	Sahadari Bhula	"
286.	Babulal Bhula	"
287.	Kusmi Bhula	"
288.	Giridari Bhula	"
289.	Kalabati Bhula	"
290.	Ch. Ramsarup	"
291.	Rahan Bhula	"
292.	Kisan Bhula	"
293.	Bangali Bhula	"
294.	Kisan Bhula	"
295.	Birbal Chowdhuri	"
296.	Kalicharan Nunia	"
297.	Saraswari Bhula	"
298.	Gechla Bhula	"
299.	Rambrich Singh	"
300.	Sagunti Singh	"
301.	Baradaro Bhula	"
302.	Gouri Bhula	"
303.	Sita Bhula	"
304.	Rameswar Bhula	"
305.	Bisan Bhula	"
306.	Chetia Bhula	"
307.	Jadu Bhula	"
308.	Jamura Bhula	"
309.	Bedesl Bhula	"
310.	Fani Muchi	"
311.	Dasarath Muchi	"
312.	Laddu Muchi	"

Sl. No.	Name	Designation
313.	Rabi Muchi	D/Wagon Loader
314.	Bandhu Bhuia	"
315.	Gani Bhuia	"
316.	Basdeo Bhuia	"
317.	Jetu Bhuia	"
318.	Sekha Paswan	"
319.	Banwari Paswan	"
320.	Ladu Lall	"
321.	Rameshwar Mistri	"
322.	Narayan Muchi	"
323.	Pati Bhuia	"
324.	Parbatia Bhuia	"
325.	Maruan Bhuia	"
326.	Nemai Muchi	"
327.	Kolli Bhuia	"
328.	Baldeo Bhuia	"
329.	Bindeswari Kurmi	D/Trammer
330.	Muneshwar Bhuia	"
331.	Harli Bhuia	"
332.	Janki Ruidas	"
333.	Jagdish Kole	"
334.	Fouzdari Bhuia	"
335.	Babulal Paswan	"
336.	Sonelal Majhi	"
337.	Sudamia Chamlin	"
338.	Fuleswari Chamlin	"
339.	Rani Bauri	"
340.	Gujari Kole	"
341.	Khanti Kole	"
342.	Kalamani Kole	"
343.	Ch. Parbatia Bhuia	"
344.	Bedeshi Bhuia	"
345.	Ramchander Singh	"
346.	Shyamdeo Rajvar	"
347.	Babulal Majhi	"
348.	Babulal Ruidas	"
349.	Manakoa Bhuia	"
350.	Deobati Bhuia	"
351.	Br. Parbatia	"
352.	Shanti Kole	"
353.	Jamini Kole	"
354.	Saraswati Chamarin	"
355.	Parana Bhuia	"
356.	Baldeo Bhuia	"
357.	Vogal Bhuia	"
358.	Amrit Bhuia	"
359.	Mistri Bhuia	"
360.	Sukdeo Bhuia	"
361.	Ramu Kole	"
362.	Suraj Prasad	"
363.	Kshitish Bhuia	"
364.	Champa Bhuia	"
365.	Manoa Bhuia	"
366.	Chotelal Kuri	"
367.	Kalabati Kole	"
368.	Supan Kole	"
369.	Suvas Yadav	"
370.	Deichand Pasi	"
371.	Jethu Bhuia	"
372.	Lakhi Kurmi	"
373.	Kalpada Ruidas	"
374.	Bhatwa Bhuia	"
375.	Basdeo Bhuia	"
376.	Bhaton Kole	"
377.	Kabir Ahmad	"
378.	Bhudni Bhuia	"
379.	Tulsi Bhuia	"

Sl. No.	Name	Designation
380.	Chetu Bhula	D/Trammer
381.	Pancham Yadav	"
382.	Sahadori Bhula	"
383.	Tumbi Bhula	"
384.	Janki Bhula	"
385.	Sewnayek Jaiswora	S/Haulage Khalasi

ANNEXURE "A(i)"

Sl. No.	Name	Designation
1.	Sri Bangali Roy	Banksman
2.	Sri Dhaba Dome	Pick Miner
3.	Sri Ram Bharat Shaw	Loader
4.	Sri Dharendra Nath Dass	Endless Haulage Khalasi
5.	Sri Saharab Miah	Lamp Cleaner
6.	Sri Ch. Ganesh Yadav	Loader
7.	Sri B. Ganesh Yadav	Loader
8.	Sri Sukhar Mahato	Loader
9.	Sri Satish Chatterjee	Pump Khalasi
10.	Sri Dulal Roy	Pump Khalasi
11.	Sri Arun Bauri	Machine Driver
12.	Sri Suphal Ghosh	Machine Helper
13.	Sri Karnadhar Roy	Explosive Carrier
14.	Sri Khitish Gope	Explosive Carrier
15.	Sri Jobed Khan	Trammer
16.	Sri Hiralal Chatterjee	Endless Haulage Khalasi
17.	Sri Paban Roy	Pump Khalasi
18.	Sri Mahadeb Bagdi	Pump Khalasi
19.	Sri Firoj Khan	Trammer
20.	Sri Hamu Khan	Trammer
21.	Sri Toshu Khan	Trammer
22.	Smt. Rani Bourin	Depot Trammer
23.	Sri Kabir Ahammad	Depot Trammer
24.	Sri Nathu Muchi	Wagon Loader
25.	Sri Kisto Muchi	Wagon Loader
26.	Sri Golam Muchi	Wagon Loader
27.	Sri Nimal Muchi	Wagon Loader
28.	Sri Baldeo Bhula	Wagon Loader
29.	Sri Onhela Muchi	Wagon Loader
30.	Sri Kalli Bhula	Wagon Loader
31.	Sri Lakhikanto Mal	Trammer
32.	Sri Matla Dome	Pick Miner
33.	Sri Kanak Dome	Pick Miner
34.	Basudeb Dome	Pick Miner
35.	Mamlat Khan	Trammer
36.	Manjur Khan	Trammer
37.	Aziz Khan	Trammer
38.	Yar Mohammad	Trammer
39.	Ratan Karmarkar	Lathe Man
40.	Nakul Dome	Pick Miner
41.	Budhan Suren	Loader
42.	Amrit Yadav	Loader
43.	Pitambar Yadav	Loader
44.	Debicharan Sonar	Loader
45.	Balaram Bhandari	Trammer
46.	Satu Dome	Haulage Khalasi
47.	Mathura Dome	Haulage Khalasi
48.	Tarapada Ghosh	Pump Khalasi
49.	Dharmadas Mondal	Pump Khalasi
50.	Bahadur Roy	Pump Khalasi
51.	Dasu Pasi	Endless Haulage Khalasi
52.	Bistu Dome	Clipman

Sl. No.	Name	Designation
53.	Budhon Bagdi	W.E. Khalasi
54.	Kamal Dome	Trammer
55.	Khursad Khan	Trammer
56.	Baharam Khan	Trammer
57.	Modon Sheet	Trammer
58.	Haradhan Bagdi	Trammer
59.	Kanya Prosad	F.R. Cooly
60.	Mongal Dome	Trammer
61.	Sanaton Das	Trammer
62.	Namal Bagdi	Trammer
63.	Sukra Tudu	Trammer
64.	Motiram Rajbar	Expl. Carrier
65.	Nitai Mondal	Fan Attendant
66.	Gosai Dhibar	Banksman
67.	Nanku Pasi	Pick Miner
68.	Niranjan Bhandari	Trammer
69.	Chunka Bisra	Trammer
70.	Papan Jaiswara	Loader
71.	Amar Muchi	Machine Helper
72.	Bison Tanti	Onsetter
73.	Bijoy Das	Pump Khalasi
74.	Dolgobinda Mondal	Pump Khalasi
75.	Rash Bihari Dome	Onsetter
76.	Lokhan Roy	Trammer
77.	Tineswar Mahato	Loader
78.	Basdew Ram	Pump Khalasi
79.	Aklu Miah	Trammer
80.	Jugal Miah	Trammer
81.	Jadu Miah	Trammer
82.	Ali Mohammad	Trammer
83.	Nani Gopal Das	Trammer
84.	Rupa Shaw	Loader
85.	Hari Ram	Explosive Carrier
86.	Gobardhan Sheet	Trammer
87.	Ragho Shaw	Loader
88.	Abdul Aziz	Loader
89.	Samruddin Miah	Trammer
90.	Naru Muchi	Pick Miner
91.	Bodi Miah	Onsetter
92.	T. Budya	Prop Mazdoor
93.	Ch. Basdew Ram	Line Helper
94.	Kuru Muchi	Loader
95.	Muslim Miah	Prop Mistry
96.	Rabi Roy	Trammer
97.	Kalpada Sheet	Pump Khalasi
98.	B. Ramswarup Bhula	Wagon Loader
99.	Ch. Ramswarup Bhula	Wagon Loader
100.	Kasum Miah	Trammer

ANNEXURE 'B'

Sl. No.	Name	Designation
1.	Ambika Singh	Trammer
2.	Algu Kahar	Loader
3.	Ajodhya Rajbhar	Loader
4.	Ajim Mla	Tondel Mazdoor
5.	Audhu Ahir	Tub Checker
6.	Atowari Dass	Pick Miner
7.	Balli Kolri	Loader
8.	Badri Harijan	Loader
9.	Bisram Harijan	Loader
10.	Baban Singh	Looseman
11.	Bodhi Jadav	Trammer
12.	Banarasi Gore	Prop Helper

Sl. No.	Name	Designation
13.	Birju Jaiswara	Loader
14.	Chandrabali Ahir	Haulage Driver
15.	Chabas Pasi	Loader
16.	Chabinath Rajbhar	Loader
17.	Dukhi Jaiswara	Prop Mistry
18.	Dubri Harijan	Loader
19.	Fudur Dosad	Loader
20.	Falari Jaiswara	Loader
21.	Gadadhar Ghose	Machine Mazdoor
22.	Janal Jaiswara	Loader
23.	Jagan Ahir	Machine Mazdoor
24.	Jiweth Nunia	Loader
25.	Jagdeo Jaiswara	Loader
26.	Kedar Ahir	Prop Helper
27.	Kewaldhari Jaiswara	Loader
28.	Kotwari Harijan	Loader
29.	Lallan Ahir	Prop Helper
30.	Mulchand Jaiswara	Loader
31.	Meghu Mia	Prop Mistry
32.	Md. Salamat Hossen	Line Helper
33.	Madhu Jadav	Trammer
34.	Mangla Jaiswara	Loader
35.	Mangru Gosai	Loader
36.	Manik Ghose	Pump Khalasi
37.	Nasir Mia	Prop Helper
38.	Hurmu Jaiswara	Loader
39.	Nandalal Ghose	Line Mistry
40.	Parasnath Singh	Looseman
41.	Panchu Mondal	Trammer
42.	Pancham Ahir	Loader Sirdar
43.	Palakdhari Rajbhari	Loader
44.	Ramnath Prasad	Machine Mazdoor
45.	Ram Prasad Singh	Trammer
46.	Ram Lakhan Singh	Looseman
47.	Rambrich Jadav	Pump Khalasi
48.	Ram Narayan Singh	Pick Miner
49.	Rameswar Singh	P.H. Bath Attendant
50.	Rameswar Kurmi	D/Trammer Sirdar
51.	Rajdeo Harijan	Loader
52.	Rajnath Gosai	Loader
53.	Raghubar Jaiswara	Loader
54.	Ramashankar	Loader
55.	Srinath Harijan	Loader
56.	Sitaram Jaiswara	Loader
57.	Satnarayan	Sweeper
58.	Subedar Pandey	Tub Checker
59.	Sewnath Jaiswara	Loader
60.	Gulakhan Dhobi	T. Mazdoor
61.	Sidhu Ram	T. Mazdoor
62.	Santu Kahar	Fitter Helper
63.	Sankar Gope	Loader
64.	Telhu Kurmi	Loader
65.	Turi Ahir	Loader
66.	Anandi Singh	Trammer
67.	Balli Rajbhar	Prop Helper
68.	Durga Pal	Asstt. Sirdar
69.	Deokaran Ahir	Trammer
70.	Deobaran Ahir	Prop Mazdoor
71.	Shewnayck Jaiswara	S/Haulage Driver

ANNEXURE C

Sl. No.	Name	Designation
1.	Anandi Singh	Trammer
2.	Bali Rajvar	Prop Helper
3.	Durga Pal	Asstt. Sirdar

Sl. No.	Name	Designation
4.	Deokaran Ahir	Trammer
5.	Deobaran Ahir	Prop Mazdoor
6.	Raibali Singh	Looseman
7.	Sewnayak Jesowara	S/H. Khalasi
8.	Sajnu Ahir	Loader
9.	Baban Singh	Looseman
10.	Ramayan Singh	Pick Miner
11.	Israfil Miah	Loader
12.	Rambrichi Gore	Loader
13.	Sobrat Miah	Prop Mazdoor
14.	Dukhi Jesowara	Prop Mistry
16.	Bulaki Mia	Tub Checker
15.	Subedar Pandey	Loader
17.	Nabizan Mia	Loader
18.	Johed Khan	Trammer
19.	Hirelal Chaterjee	Endless Haulage Khalasi
20.	Ponchu Mondal	Trammer
21.	Rasul Mia	Loader
22.	Bisan Tanti	Orsetter
23.	Hira Raiwar	Loader
24.	Banshi Harijan	Loader
25.	Kisan Ram Kahar	W/E. Khalasi
26.	Sahati Jesowara	Prop Mazdoor
27.	Kewaldhari Jesowara	Pick Miner
28.	Budhu Muchi	Pick Miner
29.	Chhotu Prasad	Machine Helper
30.	Mongru Gosai	Loader
31.	Udai Jesowara	Loader
32.	Supal Yadav	Loader
33.	Mongru Jesowara	Loader
34.	Kuldip Ram	Loader
35.	Ramkirit Das	Loader
36.	Ramabatar Das	Loader
37.	Rambirich Das	Loader
38.	Bhaju Das	Loader
39.	Ramcharan Pasi	Haulage Khalasi
40.	Abbas Mia	Trammer
41.	Abdul Sekh	Loader
42.	Jagdeo Yadav	Loader
43.	Punit Bhuia	Wagon Loader
44.	Sohagi Bhuia	Wagon Loader
45.	Sadhu Bhuia	Wagon Loader
46.	Ramdhani Bhuia	Wagon Loader
47.	Deobati Bhuia	Depot Trammer
48.	Bara Parbatia Bhuia	Depot Trammer
49.	Shanti Kole	Depot Trammer
50.	Jamini Kole	Depot Trammer

[No. 6/127/66-LRII.]

New Delhi, the 18th October 1967

S.O. 3837.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bejidi Colliery of Messrs. Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen which was received by the Central Government on the 13th October, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 25 OF 1967.

PARTIES:

Employers in relation to the Bejidi Colliery of M/s. Equitable Coal Company Limited.

AND
Their workmen

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri Manoj Kr. Mukherjee, Advocate.

On behalf of Workmen.—Shri S. N. Banerjee, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/26/67-LRII dated 31st March, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Bejdih Colliery of Messrs Equitable Coal Company Limited and their workmen in respect of the matter specified in the following schedule:

"Whether the action of the management of Bejdih Colliery owned by Messrs Equitable Coal Company Limited, Post Office Disergarh, District Burdwan in locking-out Shri Rameshwar, Srimati Khandy, Srimati Monghy and Srimati Jamunee with effect from the 17th May, 1965 was justified and legal? If not, to what relief are they entitled?"

2. Out of the four workmen covered by the reference order Shrimati Monghy is dead. The management in their written statement stated that they received the information as to her death sometime before 31st March 1967, the date of the reference order. Shri P. N. Mondal, witness No. 1 for the workmen stated that Smt. Monghy died in March 1967. Accordingly the reference must be held to be infructuous so far as Smt. Monghy is concerned.

3. Sri Rameshwar was a wagon loading Sirdar and Srimati Khandy and Smt. Jamunee were wagon loading Sirdarins employed at Bejdih Colliery. From 15th March 1964 these 3 sirdar and sirdarins together with Smt. Monghy and several other sirdars and sirdarins were declared surplus and stopped from work by the management of Bejdih Colliery. It is an admitted position that raising of coal at Bejdih was gradually decreasing and the management was therefore compelled to reduce the labour strength from the middle of 1964. The Colliery Mazdoor Congress, HMS, raised a dispute concerning the loading sirdars and sirdarins before the A.L.C., Central, Asansol, and before the A.L.C., Central, Asansol and agreement was made on 26th May 1964 vide the memorandum of settlement, Ext. I, that the wagon loading sirdars and sirdarins declared as surplus would be given alternative employment at the colliery and that one week's wages would be paid to the workmen concerned from 15th March, 1964 the rest of the period being treated as leave without pay. According to the evidence some ex-gratia payment was made even for the remaining period, and the sirdars and sirdarins were taken back in their old posts of sirdars and sirdarins after the agreement. According to the union Rameshwar, Khandy and Jamunee were again stopped from work from 17th May, 1965. The union by a letter dated 2nd August, 1965 raised a dispute about the matter before the A.L.C., Central, Asansol, but the proceedings before the A.L.C. were allowed to be dropped for further private negotiation with the management. The management did not give any work to these sirdars and sirdarins and another complaint was made to the Conciliation Officer, Asansol on 21st November 1965. On that occasion again the proceedings were allowed to be dropped for further negotiation, but as the workmen were not given any relief, a dispute was raised again on 27th January 1967. There was however no settlement before the Conciliation Officer. The union wants that the workmen should be taken back in their former posts and given their full pay for the period of non-employment.

4. According to the management, as raising of coal from Bejdih was gradually decreasing and it was found necessary to reduce the labour force, the management had declared certain wagon loading sirdars and sirdarins surplus in March, 1964, but according to the memorandum of settlement dated 26th May 1964, the sirdars and sirdarins were taken back. In May 1965 however it was found necessary to reduce the staff at Bejdih further. At the same time the work of Ranipour Colliery of the same company was increasing and so the management decided to transfer the sirdars and sirdarins concerned in the present reference case to Ranipour with effect from 17th May 1965. The transfer orders were passed on 5th May 1965 and copies of the order were sought to be served on the individual workmen on 12th May 1965. The workmen concerned in the reference case however refused to take delivery of the orders of transfer from the peon of the company and did not join at Ranipour as they were asked to do. In the circumstances, according to the management, the workmen do not deserve any relief.

5. Two of the workmen have deposed before the tribunal, namely Rameshwar and Jamunee. They have denied that they received any order of transfer to Ranipur Colliery. They denied that they were even informed of such transfer order by anybody on behalf of the management. But the order of transfer, Ext. A, signed by J. N. Ohri the Agent of the Equitable Coal Company Limited and dated 5th May 1965, was proved by MW1—Manik Chandra Mondal, a register clerk of Rampur Colliery. Manik Ch. Mondal also proved that out of 16 workmen transferred to Ranipur by that order, some, namely Dharani, Jamuna Gope, Sudama Chamar, Lushy Bowrin, Sakti Ghosh and B. Parowa, joined at Ranipur on various dates beginning from 17th May 1965. This appears from the B form register of Ranipur Colliery, Ext. B. Shri S. N. Banerjee appearing for the union has not challenged the genuineness of the transfer order, Ext. A, which also includes the name of Rameshwar, Jamunee and Khandy. He has however urged that the copies of the order of transfer were not served on the workmen concerned and they were also not informed of the order of transfer to Ranipur, but they were merely stopped from working from 17th May 1965. On behalf of the management MW2—Amitava Ghose, clerk of the Welfare Officer at Bejdih Colliery stated that copies were made of the transfer order, Ext. A, at the office of the Welfare Officer and that Amitava Ghose himself entered the names of the 16 persons transferred in the Peon Book, Ext. C, entries of the 16 names including those of Rameshwar, Khandy and Jamunee being Ext. C1. Against Rameshwar, Jamunee and Khandy and Monghy there is a bracketed entry "refused to take delivery and the thumb impression purporting to be the thumb impression of the peon Rampukar. Amitava Ghose stated that Rampukar reported to him that these four persons had refused to take delivery of the order and so he made the entry "refused to take delivery" and obtained thumb impression of Rampukar below the entry. to the witness by Sri S.N. Banerjee that the entry was made that the thumb impression is not really of Rampukar who died about a year and a half back according to the evidence of P W 1. P. N. Mondal. There is no reason to think however that the thumb impression is a forgery. There is a similar endorsement as to refusal, with thumb impression of Rampukar, against the name of one Jaba, whose transfer to Ranipur was subsequently cancelled, as Ext. A shows. I find no reason to reject the testimony of the witness Amitava Ghose that he heard from Rampukar, Peon, that the persons had refused to take delivery of the orders of transfer and that he made endorsements to the effects. Shri Banerjee has next urged that even assuming that attempt was made to serve the orders on these persons, still when these persons refused to take delivery of the orders through the Peon, the management should have served copies of the order by registered post on these persons for effective communication of the orders, and that in the absence of any communication by registered post it cannot be said that the orders of transfer were communicated to the sirdars and sirdarins concerned. In the present case it appears that no copies of the orders of transfer were served by registered post on Rameshwar, Khandy and Jamunee. It is a practice generally followed by colliery managements that when a workman takes up recalcitrant attitude and does not accept a letter tendered by hand, copy of the letter is sent to him by registered post. It is therefore somewhat surprising that no attempt was made in the present case to serve copies of the orders of transfer on Rameshwar and others by registered post. Further, it appears that though they did not join at Ranipur Colliery as per order of the Agent on 17th May 1965 or within a few days thereafter, no attempt was made to serve them with chargesheets alleging the misconduct of continuous absence without permission for 10 days or more until the failure of the final conciliation proceedings. It appears from Ext. 2, 2A and 2B that chargesheets for continuous absence from Ranipur were drawn up and sent by registered post on 13th March 1967, i.e., nearly 2 years after these persons were due to join at Ranipur according to the transfer order. This supports the case of the union that in the meantime the Vice-President of the union was having private negotiations with the manager and the Agent for giving work to these sirdars and sirdarins at Bejdih Colliery itself in accordance with the memorandum of agreement, Ext. 1, dated 26th May 1964. In the letter dated 13th February 1967 from the Vice-President, Colliery Mazdoor Congress to the Conciliation Officer, Asansol, of which a copy is enclosed with the failure report, the Vice-President stated (paragraph 2) that on account of non-compliance of the terms of the agreement dated 26th May 1964 the union made a report on 2nd August 1965 to the Conciliation Officer, Asansol and thereafter re-agitated the dispute on 27th November 1965. Admittedly however the 8 or 9 Sirdars and Sirdarins declared surplus on 15th March 1964 were re-employed just after the signing of the memorandum of settlement dated 26th May 1964. The above statement in the union's letter dated 13th February 1967 goes to show that when some sirdars and sirdarins were again stopped from work at Bejdih with effect from 17th May 1965 the union wanted to fall back on the memorandum of settlement dated 26th May 1964, and obtain alternative employment for the workmen at

Bejdih colliery. The management must have given some hopeful response to the demand; otherwise there is no explanation why the union should have dropped the conciliation proceedings twice.

6. At the same time the union Vice-President must have known that there was the order of transfer in respect of these sirdars and sardarins passed by the agent of the Equitable Coal Company Limited. The Vice-President, P. N. Mondal, stated before the tribunal that he was not aware until his appearance before the tribunal that any transfer order had been passed in respect of the four sardar and sardarins. But the failure report shows that before the Conciliation Officer the management represented its case that these men had been transferred to Ranipur with effect from 17th May 1965. In the Chief Mining Engineer's letter dated 13th February 1967 to the Conciliation Officer (copy enclosed with the failure report) he explained the circumstances in which the transfer was made, namely that the sirdars and sardarins who were really surplus had been taken back as a gesture of goodwill by the settlement dated 26th May 1964 and that as some vacancies in the posts of sirdars and sardarins arose at Ranipur colliery which was expanding its raising, it was decided to transfer the four sirdars and sardarins to Ranipur and an order dated 5th May 1965 was passed accordingly but the workmen did not accept copies of the order when offered by hand. The union Vice-President must have been aware of that position taken up before the Conciliation Officer. Apart from that, even though no evidence has been adduced to prove this, when the workmen were stopped from work from 17th May, 1965, they must have been told the reason for such stopping.

7. A point urged on behalf of the Union is that the management employed labour contractors to do the work of wagon loading sardars and sardarins at Bejdih colliery and that if such labour contractors were not employed, there would be scope for employment of the three sardars and sardarins at Bejdih Colliery. P. N. Mondal stated that colliery contractors were employed at Bejdih from 1964. But after the settlement of 26th May 1964, eight or nine wagon loading sardars and sardarins were taken back by the management. There is no evidence that thereafter, fresh coolie-contractors were engaged. However, I am not concerned in this case with the propriety or otherwise of engaging coolie-contractors. The point for consideration is whether the workmen concerned were arbitrarily stopped from work, or they were stopped from working at Bejdih as the Management had passed an order transferring them to Ranipur.

8. My conclusion after considering all the circumstances is that the transfer orders were actually passed as regards Rameshwar, Khandy and Jamunee and several other workmen on 5th May 1965 and the workmen were asked to join at Ranipur by 17th May 1965; that the three workmen with whom we are now concerned refused to accept copies of the order of transfer when tendered by hand, and though the management failed to issue copies of the orders of transfer by registered post, the workmen concerned must have been aware of the orders of transfer to Ranipur which had been passed, but with the help of their union they were trying to find alternative jobs on the basis of the earlier memorandum of agreement dated 26th May 1964 at Bejdih colliery and thus avoid transfer to Ranipur; and the management also at one stage promised to consider whether it was possible to give them alternative employment at Bejdih colliery, and that is why the earlier proceedings before the Conciliation Officer were dropped, and that is also why the management did not issued any charge-sheets for continued absence from Ranipur Colliery so long; but the management ultimately stood by their order of transfer. There was therefore no lock-out by the management but merely failure to reconsider the order of transfer to Ranipur which had been passed. In view of all the circumstances, I consider it proper that the workmen should now be given an opportunity to proceed to join at Ranipur as sirdar and sardarins. It appears that the workmen proceeded to their native village within a few weeks of 17th May 1965 and their conduct in refusing to accept the orders of transfer by hand and to join at Ranipur cannot be considered satisfactory, and in the circumstances it must be held that they are not entitled to any wages for the period of non-employment, but in order that their continuity of service may not be broken a direction must be given that the period of non-employment would be considered as leave without pay.

9. It may be mentioned that Sri S. N. Banerjee also challenged the order of transfer on the ground that it did not mention the offer of living quarters at Ranipur colliery. Sri Banerjee has referred to the award passed by this tribunal in Reference 75 of 1966 where it was held that though the management had the right to transfer their workmen from one of their collieries to another, still where the workmen were enjoying free quarters or were living in their own houses,

close to their place of work, they should be provided with some quarters at the new places to which they were transferred. Assuming that the principle would be applicable that would not justify the workmen to flout the order of transfer. In reference case No. 75 of 1966 the workmen had obeyed the orders of transfer and then asked for alternative accommodation. In the present case also the workmen ought to have done the same. Non mention of free quarters at Ranipur in the transfer order cannot be regarded as a valid ground for refusing to accept and obey the transfer order.

10. My award therefore is that the action of the management of Bejdih colliery owned by Messrs Equitable Coal Company Limited in not employing Shri Rameshwar, Smt. Khandy and Smt. Jamunee at Bejdih colliery from 17th May 1965 did not amount to locking them out, but was legal because the management had passed an order transferring these workmen to Ranipur colliery. In view of the fact however that the question of employment at Bejdih was under negotiation between the union and the management for a considerable time and that the management did not start proceedings for continued absence from Ranipur colliery until the failure of the final conciliation proceedings, i.e. for a period of nearly two years after the orders of transfer had been passed, I direct that the charge-sheets should not be proceeded with against the three workmen, but they should be given an opportunity to join at Ranipur within one month from the date of publication of the award. If they so join they will be treated as in continuous service from before 17th May 1965 and the period of non-employment from 17th May 1965 till the date of joining will be treated as leave without pay. On failure of the workmen to join at Ranipur colliery as aforesaid, the management will no longer be bound to provide them with employment. So far as Srimati Monghy is concerned, she died before the date of the order of reference and therefore there is no industrial dispute concerning her.

Dated, 7th October, 1967.

Sd/- S. K. SEN,
Presiding Officer.
[No. 6/26/67-LRII.]

New Delhi, the 19th October 1967

S.O. 3838.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudum Collieries Post Office, Andhra Pradesh and their workmen, which was received by the Central Government on the 16th October, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal,
Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 45/1966.

BETWEEN

Workmen of Singareni Collieries Co. Ltd., Kothagudum.

AND

Management of Singareni Collieries Co. Ltd., Kothagudum.

APPEARANCES:

Messrs. K. Srinivasamurthy and M. V. Ramakrishnarao for the Management.

AWARD

The Government of India in its Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) had, by order No. 7/4/66-LRII dated 21st September 1966, referred this dispute to me for adjudication. The issue in the schedule annexed to the notification is this:

Whether the action of the Management to depute only the junior pounders to work on jobs other than pounding, instead of employing all workmen on rotation as per previous practice, and thus decreasing their incentive bonus, is justified?

If not, to what relief are they entitled?

2. The Andhra Pradesh Colliery Mazdoor Sangh, Kothagudium, is party to the reference. The other Union which is party to the reference is the Singareni Collieries Workers Union, Kothagudium. These two Unions filed separate statements of claims, one being by and under the signature of Mr. S. Ramireddy, General Secretary of the Mazdoor Sangh, and the other being by and under the signature of Mr. M. Kumariah, General Secretary of the Singareni Collieries Workers Union. Admittedly the powder factory of the Singareni Collieries Ltd. is slowly heading to a closure because of the embargo laid by the Director General of Mines Safety on the use of gun powder. Consistent with the directive from the Director General of Mines Safety the Company had been gradually decreasing the use of gun powder in the mines, so that there was less and less work for the pounders in the Powder Factory. For that reason the Company had to employ pounders on other work. The Company was doing so in respect of junior pounders while the senior pounders were put on the pounding work in the powder factory. Now the contention of the Mazdoor Sangh as stated in its statement of claims is that the junior pounders also should be given pounding work in the powder factory in rotation so that they too could earn bonus which otherwise they are unable to earn by reason of being put on other jobs. It is stated in the statement of claims filed by Mr. Kumariah on behalf of the Workers Union that the procedure followed by the Company was proper. The reason for the Workers Union not supporting the Mazdoor Sangh in respect of the claim which is the subject of the issue is that on a former occasion Mr. Kumariah the General Secretary of the Workers Union was party to an agreement with the Management in the year 1963 from which time the Company had been engaging only the senior pounders on pounding jobs in the powder factory. The Management filed counter to say that the procedure they were following was, in the circumstances, justified, particularly so when it was also based upon the aforesaid agreement with the Workers Union in the year 1963.

3. This dispute finally came up for enquiry on 31st July 1967. One witness each for the Management and the claimants was examined and Exs. M1 to M5 and W1 to W5 were marked. The case was posted for arguments to 2nd August, 1967. Arguments were not heard because it was stated that settlement talks were afoot between the parties. As a settlement between the parties was a desirable objective, I gave time for consummation thereof and postponed hearing arguments.

4. Today a Memorandum of Settlement is filed. It is dated 5th October 1967. Mr. M. Vasudevan the Deputy General Manager and Mr. N. Bhaskarachary the Chief Personnel Officer signed it as representatives for the Management. Mr. S. Ramireddy, General Secretary, A.P.C. Mazdoor Sangh, has signed it. It will be noticed that the statement of claims on behalf of the Mazdoor Sangh was filed by and under the signature of Mr. S. Ramireddy. Mr. M. Kumariah also has signed the Memorandum of Settlement. He is the General Secretary of the Singareni Collieries Workers Union. Thus the representatives of both the Unions which are party to the reference are party to this Memorandum of Settlement. Two witnesses attested it, one being Mr. M. V. Ramakrishnarao, Assistant Personnel Officer at Kothagudium, and the other being Mr. Ch. Satyanarayana, Office Superintendent there.

5. I have perused the Memorandum of Settlement. It is stated in it that the powder factory is nearing being closed down and that therefore there was no purpose in pressing the demand which is the subject of the issue in the reference, and that in the circumstances the demand itself becomes one of academic interest. It is stated that the demand is not pressed. I am satisfied that a fair approach was made by the two Union to the subject of the demand. Seeing that the two Unions do not press the demand, my finding under the issue in the reference is that the action of the Management, for the reasons stated in the Memorandum of Settlement dated 5th October 1967 a copy whereof is appended hereto, in deputing junior pounders on jobs other than pounding jobs instead of employing all pounders on rotation basis, is justified. Such being the finding, there is no question of giving any relief to the claimants in this behalf.

AWARD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 7th day of October, 1967.

.. .. (Sd.) M. NAJMUDDIN,
Industrial Tribunal.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL (CENTRE), HYDERABAD

IN THE MATTER OF I. D. No. 45 OF 1966

BETWEEN

The Management of Singareni Collieries Company Limited, Kothagudium Collieries.—*Management.*

AND

Their Workmen represented by the Andhra Pradesh Colliery Mazdoor Sangh, Kothagudium Collieries and the Singareni Collieries Workers' Union, Kothagudium Collieries—*Workmen.*

MEMO. FILED BY THE PARTIES

The Andhra Pradesh Colliery Mazdoor Sangh by their letter No. V/K/PF(3) 65/136 dt. 15th October 1965 raised an Industrial Dispute in regard to Shri B. Somasundaram and 15 others claiming that the said workmen who are pounders in the powder factory at Kothagudium were denied the benefit of earning incentive bonus by the system that is followed by the Management in engaging senior-most pounders on the pounding job. The Sangh contended that the engaging of pounders on the pounding job should be on rotation and should not be on seniority. During the discussions held between the Management and the recognised Union viz., Singareni Colliery Workers' Union in connection with some difficulties experienced in the course of implementation of the incentive scheme in the powder factory, it was agreed that senior-most pounders should be kept on pounding jobs and whenever there was no work for some pounders, the Jr. pounders should be allowed to work on sundry jobs. The conciliation proceedings ended in failure and on receipt of the failure report from the Asst. Labour Commissioner (C), Hyderabad, the Government of India, Ministry of Labour and Employment under their Notification No. 7/4/66 LR-II dated 21st September 1966 (S. O. 2906) referred this dispute for adjudication to the Industrial Tribunal (C), Hyderabad under the following schedule:

"Whether the action of the management to depute only the Junior Pounders to work on jobs other than pounding, instead of employing all workmen on rotation as per previous practice, and thus decreasing their incentive bonus, is justified? If not, to what relief are they entitled?"

This dispute was registered as I. D. No. 45 of 66 by the Hon'ble Industrial Tribunal (C), Hyderabad. This case has been finally posted for enquiry on 7th October, 1967.

The parties discussed the issue on hand and the Management explained that the gun powder factory is going to be closed in a gradual process since the Chief Inspector of Mines has been insisting on the discontinuance of the use of gun powder and the use of permitted explosives in the underground. Consequently the use of gun powder will be stopped completely. As such the manufacture of gun powder will have to stopped gradually and the gun powder factory will be closed eventually. Already the persons engaged in factory are being absorbed on different jobs in other departments and pits and there is substantial change in the circumstances from the time the dispute was raised.

In view of this development, the Unions concerned in the dispute have felt that there will not be any benefit to the workmen concerned in the dispute to press this demand as they are being rehabilitated in other departments. Having regard to the changed circumstances in the gun powder factory and as this demand has now become purely an academic issue, the Unions herein concerned agree to withdraw the dispute viz., I. D. No. 45 of 1966.

The parties, therefore, pray the Hon'ble Tribunal to record this Memo. and pass an Award accordingly.

For Workmen.

Sd./- S. RAMI REDDY,
General Secretary,
Andhra Pradesh Colliery Mazdoor Sangh.

Sd./- M. KOMARAJAH,
General Secretary,
Singareni Collieries Workers' Union.

For Management.

Sd./- M. VASUDEVAN,
Dy. General Manager,
M/s. Singareni Collieries Co. Ltd.

Sd./- M. BHASKRACHARY,
Chief Personnel Officer,
M/s. Singareni Collieries Co. Ltd.

Witnesses:

1. Sd./- M. V. RAMAKRISHNA RAO.

2. Sd./- CH. SATYANARAYANA.

Dated: 5th October, 1967,

Kothagudem Collieries

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

[No. 7/4/66-LRII.]

S.O. 3839.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudem Collieries and their workmen, which was received by the Central Government on the 16th October, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

PRESENT:

Shri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal,
Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 17/1966:

BETWEEN:

Workmen of Singareni Collieries Co. Ltd., Kothagudem.

AND

The Management of Singareni Collieries Co., Ltd., Kothagudem.

APPEARANCES:

Messrs. K. Srinivasamurthy and M. V. Ramakrishnarao.—*For the Management.*

AWARD

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by order No. 7/2/66-LRII dated 9th March, 1966, referred this dispute to me for adjudication. The issue as per Schedule annexed to the notification is this:

Having regard to the nature of work performed by Sarvashri (1) Khadar Shariff (Moulder) (2) P. Jagannadha Rao (Fitter), (3) G. Venkateshwar Rao (Turner), (4) P. S. Vydyanayakam (Welder) and (5) P. N. Gangadhar Naidu (Fitter), whether the Management of the Singareni Collieries Company Ltd. is justified in denying payment of Category VII Wages to them from the date of completion of Trade Apprenticeship?

If not, to what relief are they entitled?

2. The Andhra Pradesh Colliery Mazdoor Sangh, Kothagudem, is party to the reference. The statement of claims is filed by and under the signature of Mr. S. Ramireddy, General Secretary of the Sangh. In the main, the contention of the Mazdoor Sangh is that after completing the period of apprenticeship in the various trades a worker should be fitted in Category VII. The Management had been starting them on Category IV. With regard to the five names mentioned in the issue the case of the Union is that they should have been started on Category VII. The counter of the Management is that the workers who are being taken into employment after satisfactory completion of apprenticeship period

were properly being started on Category IV and that there was no justification for the demand that they should be started straight away on Category VII. With regard to the five workers mentioned in the issue it is stated in the counter that they are in the right places. With regard to Gangadhar Naidu, it is stated that he was started in Category III because he was a general apprentice who was absorbed as a fitter-helper in Category III.

3. After this dispute ripened for enquiry, both parties requested that the enquiry in it may be postponed untill after the enquiry in I.D. No. 66/65 was completed and an award passed therein. The reason for this request was that the award in I.D. No. 66/65 would largely determine the questions that would arise for determination in I.D. No. 17/66 which is the dispute on hand. I passed award in I.D. No. 66/65 on 26th June 1967. It was later published in the Government of India Gazette. When thereafter I. D. No. 17/66 came up for enquiry, representatives of both sides stated that there was a move for a settlement in respect of I.D. No. 17/66.

4. A Memorandum of Settlement is filed today. It is dated 5th October, 1967. It is signed by Mr. S. Ramireddy, General Secretary of the Mazdoor Sangh. It will be noted that the statement of claims in this dispute was filed by and under the signature of Mr. S. Ramireddy. Mr. M. Vasudevan the Deputy General Manager and Mr. N. Bhaskarachary, the Chief Personnel Officer signed the Memorandum of Settlement as representatives of the Management. There are two witnesses to it. They are Mr. M. V. Ramakrishnarao, Assistant Personnel Officer at Kothagudium, and Mr. Ch. Satyanarayana, Office Superintendent there. I have perused the Memorandum of Settlement. Reference is made in it to the award made by me in I.D. No. 66/65. The terms of settlement are fair between the parties.

5. Award is herewith passed in terms of the Memorandum of Settlement dated 5th October, 1967, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 7th day of October, 1967.

(Sd.) M. NAJMUDDIN.

Industrial Tribunal

Memorandum of settlement arrived at between the management of singareni collieries Company Ltd., and their workmen represented by the Andhra Pradesh Colliery Mazdoor Sangh in I.D. No. 17 of 66 in the office of the Dy. General Manager, Kothagudium, on 5th October, 1967.

Names of the Parties:

Representing the Management:
(Singareni Collieries Co., Ltd.)

Representing the Workmen:
(Andhra Pradesh Colliery Mazdoor Sangh).

1. Sri M. VASUDEVAN,
Dy. General Manager.
2. Sri N. BHASKARACHARY,
Chief Personnel Officer.

1. Sri S. RAMI REDDY,
General Secy.

Short recital of the case:

The General Secretary, Andhra Pradesh Colliery Mazdoor Sangh, by his letter No. V/K/WS(1)/65-215 dated 4th December, 1965 raised an Industrial Dispute in regard to S/Shri Khadar Shariff, P. Jagannadha Rao, G. Venkateswar Rao, P. S. Vedanayakhham, Trade Apprentice and P. N. Gangadhar Naidu, General Apprentice, claiming that these Trade and General Apprentices in the Engineering Department at Kothagudium be placed in Category VII with effect from the date they completed their Apprenticeships. On failure of the conciliation proceedings, the Government of India by their Notification No. S.O. 815 dated 9th March, 1966, referred the Dispute for adjudication to the Industrial Tribunal (C), Hyderabad. This case has been registered as I.D. No. 17 of 66, and finally posted for hearing by the Hon'ble Tribunal on 7th October, 1967.

As a result of mutual discussions, the parties could arrive at a settlement on the following terms and conditions:—

Terms of Settlement

1. The Sangh having gone into the merits and facts of the issue on hand and having regard to the decision of the Hon'ble Industrial Tribunal (C), Hyderabad, in I.D. No. 66 of 65, are now convinced that the procedure followed by the Management in respect of Trade and General Apprentices who were absorbed in the Company on graded categorisation starting from category IV or III respectively is reasonable. Hence the Sangh agrees to drop the case and not to press the demand referred to the Hon'ble Industrial Tribunal (C), Hyderabad.

2. The Management agrees to pay a lumpsum amount of Rs. 100 (Rupees one hundred only) to the Sangh towards the expenses incurred by them for conducting this Dispute as a full and final settlement.

3. Both the parties agree to pray the Hon'ble Tribunal (C), Hyderabad, to pass an Award in terms of this settlement.

Signatures of the parties

Representing the Management:

1. Sd./- M. VASUDEVAN.
2. Sd./- N. BHASKARACHARY.

Representing the Workmen:

1. Sd./- S. RAMI REDDY.

Witnesses:

1. Sd/- M. V. RAMAKRISHNA RAO.
2. Sd./- CH. SATYANARAYANA.

Dated: 5th October, 1967.

Kothagudium Collieries.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.
[No. 7/2/66-LRII.]

ORDERS

New Delhi, the 10th October 1967

S.O. 3840.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Chirimiri Ponri Hill Colliery, P.O. Chirimiri, District Surguja (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the management of the New Chirimiri Ponri Hill Colliery was justified in keeping the following 97 workers, as badlis? If not, to what relief are the workmen entitled?
 1. Charkoo s/o. Amarsal.
 2. Gobardhan s/o. Mohan.
 3. Bandhanram s/o. Bodhram.
 4. Nan s/o. Dalli.
 5. Dilbhagat s/o. Bamfar.
 6. Hiranman s/o. Jagasal.
 7. Rajoodas s/o. Thakurdas.
 8. Nan Pradhan s/o. Ransai.
 9. Bahabam s/o. Ghasiram.

10. Ramdhn s/o. Bhokloo.
11. Jaita s/o. Sudhiram.
12. Kusia s/o. Sitaram.
13. Sadhram s/o. Etbal.
14. Bodhan s/o. Kishun.
15. Akaloodas s/o. Ashadas.
16. Sundarlal s/o. Munnua.
17. Autram s/o. Bodhram.
18. Mangaldas s/o. Bhaira.
19. Bechan s/o. Karmu.
20. Mangalsai s/o. Hingal.
21. Lachman s/o. Ransu.
22. Sitaram s/o. Subran.
23. Bhavandas s/o. Raghunath.
24. Piladas s/o. Durga.
25. Chamroo s/o. Panchram.
26. Sital s/o. Sukhiram.
27. Ramlal s/o. Jakla.
28. Lalman s/o. Harinath.
29. Bihariram s/o. Budhu.
30. Alagram s/o. Guni.
31. Panchram s/o. Firat.
32. Sadhram s/o. Dhani.
33. Bisahoo s/o. Ramsingh.
34. Jotiram s/o. Mithoo.
35. Gowrisankar s/o. Rajman.
36. Hiralal s/o. Subraj.
37. Nanhoo s/o. Bhurai.
38. Nathoo s/o. Jugatram.
39. Fulsai s/o. Malikram.
40. Khedu s/o. Mansal.
41. Jitan s/o. Sukdeo.
42. Lakhu s/o. Sohar.
43. Sonesai s/o. Chamru.
44. Mansal s/o. Arjuno.
45. Panchram s/o. Nankl.
46. Mangloo s/o. Ghurbir.
47. Jhangulee s/o. Bulloo.
48. Tungan s/o. Meghava.
49. Ghursai s/o. Gahavar.
50. Gajadas s/o. Holesai.
51. Basant s/o. Bhairi.
52. Dhirsai s/o. Debia.
53. Pancham s/o. Dhansai.
54. Dhaniram s/o. Bisahoo.
55. Chandansai s/o. Subran.
56. Deokaran s/o. Guha.
57. Udayram s/o. Rungtu.
58. Lokesram s/o. Khedu.
59. Mansai s/o. Balga.
60. Jagdish s/o. Jaimangal.
61. Sonu s/o. Kaileswar.
62. Baldeo s/o. Mohit.
63. Mangalsai s/o. Somarasai.
64. Bhujbal s/o. Kusta.
65. Lalooram s/o. Jagmohan.
66. Manbisram s/o. Kesoram.
67. Lalsai s/o. Rupsai.
68. Motilal s/o. Sudarsanram.
69. Dhaneswar s/o. Ramadhn.
70. Bisahoo s/o. Ramsingh.
71. Suna s/o. Jharla.
72. Bandhan s/o. Kaileswar.
73. Mohan s/o. Jhumuk.
74. Holiram s/o. Amaru.
75. Jaslal s/o. Jabarsai.
76. Hariharsai s/o. Khurchul.
77. Mangalsai s/o. Bodhram.
78. Bodhram s/o. Dharamsal.
79. Bhajan s/o. Bodhan.
80. Janak s/o. Somaru.

81. Sonesai s/o. Kasidas.
82. Jailal s/o. Akaloo.
83. Bisambar s/o. Samundram.
84. Jethooram s/o. Bhaneswar.
85. Kamalsai s/o. Thunga.
86. Seobaran s/o. Dhansai.
87. Bhikarilal s/o. Nandlal.
88. Ramjee s/o. Sadhram.
89. Ramgopal s/o. Sukhram.
90. Raghubir s/o. Lochan.
91. Chotelal s/o. Nanki.
92. Tekram s/o. Mahangu.
93. Balamram s/o. Sohan.
94. Dhansai s/o. Bisahoo.
95. Jogeswar s/o. Mayaram.
96. Bifalsai s/o. Bhaira.
97. Sardar Singh s/o. Majhiram.

- (2) Whether the existing diet charge of Rs. 1.31 per day paid by the management for one worker patient in their hospital needs upward revision? If so, at what rate?
- (3) Whether the workers are entitled to the provision of ambulance or other transport facilities by the management for reaching hospitals in serious cases of sickness or accident? If so, to what relief are the workmen entitled?
- (4) Whether the workers employed on Sundays are entitled to be paid wages at twice their ordinary rate of wages? If so, from what date?
- (5) Having regard to the terms of the mutual settlement dated the 18th March, 1966, arrived at between the management and their workmen represented by the M.P. Colliery Workers Federation, whether the demand of the workers for payment of arrears is justified? If so, from what date?

[No. 5/7/67-LRII.]

New Delhi, the 17th October 1967

S.O. 3841.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Simlabahal Colliery, P.O. Jharla, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Simlabahal Colliery was justified in transferring the undermentioned 35 workers to Bhalgora with effect from the 9th August, 1967?

Name of workmen	Designation
1. Nanak Mahata	Trammer
2. Ramcharitar Paswan	"
3. Siasaran Dhari	"
4. Masfir Dhari	"
5. Jamir Miah	"
6. Paresb Nath Pathak	B/S. Man.
7. Fekoo Jaswara	Dresser
8. Lalan Dusadh	"

Name of workmen	Designation
9. Raghu Dhobi	Miner
10. Banshi Joswara	"
11. Sataram Joswara	"
12. Rameswar Joswara	"
13. Ramkhetwan Joswara	"
14. Sukhlal Passi	"
15. Karamu Mahata	"
16. Mahabir Passi	"
17. Tota Dhobi	"
18. Radhey Sonar	"
19. Mahabir Bhuia	"
20. Jalim Singh	"
21. Pokhan Dhobi	"
22. Prothad Rabidas	"
23. Chandeswar	"
24. Rameswar Mallah	"
25. Dukhan	"
26. Rambhat Joswara	"
27. Ramlakshan Passi	"
28. Jagarnath Passi	"
29. Pancham Pasi	"
30. Ramor Pandey	"
31. Kaleswar Rabidas	"
32. Pajloo Loadh	"
33. Sukhram Loadh	"
34. Soharai Rabidas	"
35. Safi Muah	"

If not to what relief are the workmen entitled?

[No.2/99/67-LRII.]

New Delhi, the 20th October 1967

S.O. 3842.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jote Dhemo Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the lock-out and subsequent lay-off without compensation of the workers of Jote Dhemo Colliery was justified? If not, to what relief are the workmen entitled?

[No. 1/38/67-LRII(i).]

S.O. 3843.—Whereas, by the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. 1/38/67-LRII, dated the 20th October, 1967, an industrial dispute between the employers in relation to Jote Dhemo Colliery, Post Office Ukhra, District Burdwan and their workmen has been referred to the Industrial Tribunal, Calcutta for adjudication and it is necessary to prohibit the continuance of the lock-out in existence in connection with the said dispute:

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby prohibits the continuance of the lock-out in existence in connection with the said dispute in the said industrial establishment.

[No. 1/38/67-LRII(ii).]

New Delhi, the 21st October 1967

S.O. 3844.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the M/s. Shaw Wallace and Co., Ltd., P. O. Parasia, District Chhindwara (M.P.) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of M/s. Shaw Wallace and Co., Ltd., Parasia, was justified in retiring Shri Bachoolal Yadav, Leading Supervisor, at the age of 58 years on account of superannuation, with effect from the 1st August, 1967, without having any provision therefor in the certified standing orders applicable to the establishment. If not, to what relief is the workman entitled?

[No. 5/47/67-LRII.]

S.O. 3845.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Mahabir Colliery, Post Office Raniganj (Burdwan) and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the termination of the services of Sarvashri Fatik (alias Sam) Chatterjee and Basudeo with effect from the 11th May, 1967 and the 13th May, 1967 respectively by the management of Mahabir Colliery was justified? If not, to what relief are the workmen entitled?

[No. 6/48/67-LRII.]

S.O. 3846.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sarpi Kajora Colliery, Post Office Ukhra, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Sarpi Kajora Colliery was justified in dismissing the following workmen with effect from the dates shown against them?

- | | |
|--|------------------|
| 1. Shri Srinarayan Tiwari, Machine Driver. | 7th April, 1966. |
| 3. Shri Kailash Ram, Surface Trammer. | 7th April, 1966 |
| 3. Shri Kailash Ram, Surface Trammer. | 7th April, 1966. |

If not, to what relief are the workmen entitled?

[No. 6/122/66-LRII.]

New Delhi, the 23rd October 1967

S.O. 3847.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ramnagar Colliery of Messrs Vindhya Collieries (Private) Limited, Post Office Ramnagar Colliery (District Sahdol) Madhya Pradesh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management in terminating the services of T. C. Kaliva, Overman with effect from the 1st May, 1965 is justified? If not to what relief is the workman entitled?

[No. 5/52/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 10th October 1967

S.O. 3848.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen which was received by the Central Government on the 7th October, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

Tuesday, the 19th day of September, 1967

PRESENT:

Thiru M. Tajammul Hussain, B.A., B.L.,—Industrial Tribunal.

INDUSTRIAL DISPUTE No. 34 OF 1967.

(In the matter of the dispute between the workmen and the management of Punjab National Bank Ltd., Madras.).

BETWEEN:

The General Secretary, All India Punjab National Bank Employees Association (Madras Unit) No. 3, Muthaya Mudali Street, Tondiarpet, Madras-21.

AND

The District Manager, Punjab National Bank Ltd., No. 107, Armenian Street, Madras-1.

Reference.—Government of India Order No. 51(6)/67-LR III dated 21st March, 1967, Department of Labour and Employment, Ministry of Labour, Employment and Rehabilitation, Government of India, New Delhi.

This dispute coming on for final hearing on this day and upon perusing the reference, claim and counter statements and all other material papers on record and the parties to this dispute having filed a joint memorandum of settlement stating that the dispute has been settled by a compromise entered into between them already, this Tribunal made the following

AWARD

This is a reference by the Central Government. This reference relates to the dispute between the Management and workmen of Punjab National Bank Ltd.,

The matter referred for adjudication is set out in the schedule under reference and it is as follows:—

“Whether the seniority of Sarvashri V. R. Kundapur, M. Ramaswamy, B. S. Sankaranarayana Rao and U. K. Mahalingam, Supervisors, Punjab National Bank Ltd., Southern Circle, Madras as given in the seniority list reproduced below has been correctly fixed? If not, what should be the seniority of these four employees in relation to the other employees whose names are mentioned in the said list?

Name of the employee promoted as Supervisor	Date of promotion
1. Shri R. Subramaniam	5-12-1958
2. „ T. S. T. Chari	6-12-1959
3. „ N. Vijendran	26-3-1959
4. „ A. S. Sangameswaran	8-7-1959
5. „ C. S. Ramaswami	11-9-1959
6. „ S. Somasundaram	16-11-1959
7. „ M. N. Nair	19-3-1960
8. „ L. Y. Ramasubramaniam	15-6-1960
9. „ V. Thyagarajam	14-11-1960
10. „ V. R. Kundapur	} 28-1-1966
11. „ B. S. Sankaranarayana Rao	
12. „ U. K. Mahalingam	
13. „ M. Ramaswamy	

2. The All India Punjab National Bank Employees' Association filed a lengthy claim statement, setting out the reasons for the claim of the workers concerned in this dispute. The management filed a counter statement repudiating the claim of the workers concerned in the reference. It is unnecessary to set out the allegations made in the claim statement and also the averments made in the counter statement as the parties to the dispute have filed a joint memorandum of settlement in court-to-day.

3. According to the joint memorandum, in view of the fact that four workers have been promoted as officers and are functioning as such, it is unnecessary to decide the issue referred to for adjudication. The promotions in future for these four persons, the existing rules of the Bank relating to promotions among officers, would apply to them and they would be treated on the same basis as other officers of the Bank.

4. The Joint memorandum is recorded. In view of the joint memorandum the issue referred to for adjudication does not arise. An award is passed in terms of the joint memorandum filed by the parties. The terms of the joint memorandum will form annexure to the award.

5. The parties are directed to bear their own costs.

Sd./- M. TAJAMMUL HUSSAIN,
Industrial Tribunal.

List of witnesses examined

For the workers:—
For the Management:— } NONE.

List of documents marked.

For the workers:—
For the Management:— } NIL.

ANNEXURE

Joint Memorandum

1. In view of the fact that (1) Shri M. Ramaswami, (2) Shri V. R. Kundapur, (3) Shri B. S. Sankaranarayana Rao and (3) Shri U. K. Mahalingam, have now been promoted as Officers and are functioning as such, it has become unnecessary to decide the issue referred to for adjudication.

2. In respect of promotions in future for these four persons, the existing rules of the Bank relating to promotions among officers, would apply to them and they would be treated on the same basis as other officers of the Bank, for this purpose.

Sd./ Illegible,
The District Manager, Southern
Circle, The Punjab National
Bank Ltd., Madras-1 for the
Management of Bank.

Sd./- S. RAGHAVAN,
The Assistant Secretary
and

Sd./- M. RAMASWAMY,
The President representing the
Workmen of the P.N.B. Ltd.,
by its All India P.N.B. Em-
ployees' Association (Madras)
Unit: Madras.

[No. 51/6/67/LRIII.]

ORDER

New Delhi, the 17th October 1967

S.O. 3849.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs. New India Maritime Agencies Private Limited, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajammul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the management of Messrs. New India Maritime Agencies Private Limited, 21, Sunkurama Chetty Street, Madras-1 were justified in terminating the services of Shri M. G. Fernandez, Car Driver, from 3rd July 1967? If not, to what relief is the employee entitled?

[No. 28/102/67-LRIII.]

G. MISRA, Dy. Secy.

(Deptt. of Labour and Employment)

New Delhi, the 16th October, 1967

S.O. 3850.—In pursuance of section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of an application under Section 33A of the said Act filed by Shri S. N. Aditya, B. No. 1908, Assistant Tracer (II) in respect of Indian Copper Corporation, which was received by the Central Government on the 29th September, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR.**

Camp at Dhanbad.

Dated September 7, 1967.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

COMPLAINT No. 14 of 1966 (DHANBAD TRIBUNAL)

COMPLAINT No. CGIT/LC(A) (22)/67 (JABALPUR TRIBUNAL)

U/S 33-A, Industrial Disputes Act.

PARTIES:

S. N. Aditya, B. No. 1908, Asstt. Tracer-II, C/o Mosaboni Mines Labour Union, P.O. Mosaboni Mines, District Singhbhum.—*Complainant*.

Versus:

M/s. Indian Copper Corporation Ltd., P.O. Mosaboni Mines, Dist., Singhbhum, Bihar.—*Opp. Party*.

APPEARANCES:

For Complainant.—S/Sri Chotelal Ji Vyas, Vice President and H. B. Singh 'Arsi' General Secretary, Mosaboni Mines Labour Union.

For Opp. Party.—Sri K. C. Goel, Legal Officer of the opposite party, employers.

INDUSTRY: Copper Mine.

DISTRICT: Singhbhum (Bihar).

AWARD

Sri S. N. Aditya Asstt. Tracer (II) employed in the Mosaboni Mines of the opposite party, the Indian Copper Corporation Ltd., applied before the Central Government Industrial Tribunal, Dhanbad, on 17th March, 1966 complaining that during the pendency of two references Nos. 4 and 34 of 1965 of that Tribunal the conditions of his service have been changed and therefore the opposite party has contravened the provisions of Section 33 I. D. Act. It may be mentioned that this reference No. 4/65 together with connected cases arising therefrom either under Sec. 33-A or Sec. 33 I. D. Act were transferred to this Tribunal by Notification No. 8/25/67-LR/II dated 25th April, 1967 and that is how this case came up for determination before this Tribunal. No case No. 34/65 of that Tribunal was transferred to this Tribunal.

The complaint is based on the ground that the complainant has been rendering the duties of Asstt. Draftsman in place of one Sri H. B. Senapati who resigned in February, 1965 and inspite of the representations made by the complainant the company has neither paid him the acting allowance nor has promoted him to the post of Asstt. Draftsman. The company denied that he had been doing the work of Asstt. Draftsman and was entitled to any acting allowance for promotion. It has been contended that there had been no change in the conditions of service as contemplated by Sec. 9A of the I. D. Act and therefore the application was not maintainable. Other pleas were also raised, on the basis of which certain issues were framed on preliminary hearing at Allahabad on 22nd June, 1967. When the case came up for further hearing at camp Mosaboni on 31st August, 1967, the company gave up the plea that the complainant was not a protected workman. He is, therefore, a protected workman to be covered by Sec. 33 (3) I.D. Act. Whether he was a concerned workman or not was determined by me on 25th July 1967 in this case along with a large number of other cases and the order is an annexure to this Order/Award. He is, therefore, a concerned workman.

Before going into the question of fact whether the complainant had in fact rendered the duties of an Asstt. Draftsman, I heard arguments on the legal aspect of the matter whether even assuming that he did render such duties, this amounted to a change in conditions of service so as to attract the application of Sec. 33(3) I. D. Act. After hearing arguments on this question, I find that the complainant is clearly misconceived. Section 33 Cl. (a) prohibits an employer "by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings." Such proceedings will, however, refer to the date of reference of the industrial disputes. The date of reference of case No. 4/65 is 21st December, 1964. Consequently, if after December, 1964 the opposite party has changed the conditions of his service Sec. 33(3) would undoubtedly be attracted. But the question, however, is whether assuming that he had been required to do the work of an Asstt. Draftsman and has been denied acting allowance or promotion whether there has really been any change in the conditions of his service. The words "conditions of his service" in Sec. 3 will refer to and will be read in conjunction with Sec. 9A of the I. D. Act. It is not anything or everything which an employer may require his employee to do that it would amount to change in conditions of service. The expression "conditions of service" will have uniform meaning in the Act, and will have the same meaning in Sec. 33 as would be in Sec. 9A. This section states the various matters specified in Fourth Schedule of the Act in respect of which no change in conditions. The subject matter of this complaint does not fall under any of the matters stated in the Fourth Schedule. Apart from this, no conditions of service has been

changed to his prejudice. If the complainant has been promoted as Asstt. Draftsman, it is to his advantage and not to his prejudice. The acting allowance or promotion which he claims by means of this application can be secured by either raising an industrial dispute under Sec. 10 or as a relief under Sec. 33-C, I. D. Act. To build up such a claim by an application under Sec. 33-A is clearly illconceived. The intention of Sec. 33 is to restrict the right of the employer to take any action to the prejudice of the workman in regard to the conditions of his service. There is no change in the conditions of his service by the assumed promotion for which he may have an independent right to be compensated by acting allowance or otherwise through other proceedings. The action at any rate does not operate to the prejudice of the workman as a part of conditions of his service as prevailing before the date of the reference of industrial dispute. There is no direct case on the point. Perhaps this is the first case of its kind and therefore could not reach the stage of judicial anvil for determination. The matter, however, is so clear that no guidance from any reported case is needed and none to the point in issue was cited on behalf of the either party.

It is, therefore, held that even assuming that the allegations made by the complainant are correct there has been no violation of Sec. 33 I. D. Act and therefore the application under Sec. 33A is not maintainable. Since the order amounts to an award let the same be sent to the appropriate Government for necessary action.

(Sd.) G. C. AGARWALA,
Presiding Officer.

7-9-67

[No. 24/26/64-LR. I.]

S.O. 3851.— In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between certain employers in relation to the Docks in the port of Calcutta and their workmen which was received by the Central Government on 5th October, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 64 of 1967

PARTIES:

Employers in relation to the names specified in the Schedule I annexed below,

AND

Their workmen.

PRESENT:

Shri S. K. Sen.—*Presiding Officer.*

STATE: West Bengal.

INDUSTRY: Port & Dock.

AWARD

By Order No. 28(19)/67-LRIII dated 5th August, 1967, the Central Government referred for adjudication an industrial dispute between the employers specified in the Schedule I and their workmen in respect of the matter specified in Schedule II quoted below:—

SCHEDULE I.

1. M/s. A. C. Roy & Co. Private Ltd., 3, Mission Row, Calcutta-1.
2. M/s. Balallal Mookerjee & Co. Pvt. Ltd., Wardley House, 23-Swallow Lane, Calcutta-1.
3. M/s. Beney Madhub Mookerjee & Co., 74, Bentink Street, Calcutta-1.
4. M/s. Butterworth & Farmer, Opposite No. 12-Kidderpore Dock, Calcutta-43.
5. M/s. Darabshaw B. Cursetjees' Sons Private Ltd., 13, Brabourne Road, Calcutta-1.
6. M/s. B. Bose Private Ltd., 43 Dharamtala Street, Calcutta-13.
7. M/s. E. C. Bose & Co. Private Ltd., 22, Strand Road, Calcutta-1.
8. M/s. H. M. Coria & Son Private Ltd., 48M, Park Street, 2nd Floor, Calcutta-16.

9. M/s. J. N. Mukherjee & Co. Private Ltd., 20, Strand Road, Calcutta-1.
10. M/s. Keshavlal P. Gorsia. 24, Strand Road, Calcutta-1.
11. M/s. Elias (Pvt.) Ltd., 18, Netaji Subhas Road, Calcutta-1.
12. M/s. P. E. Davi & Co. (Stevedores) Pvt. Ltd., Messanine Floor, 18-Strand Road, Calcutta-1.
13. M/s. Santosh Chandra Banerjee & Sons Pvt. Ltd., 7, Swallow Lane, Calcutta-1.
14. M/s. Sarat Chatterjee & Co. (Pvt.) Ltd., 3, Mangoe Lane, Calcutta-1.
15. M/s. Alex Miller (Shipchanders) Private Ltd., 7, Old Court House Corner, Calcutta-1.
16. M/s. Banerjee & Chatterjee Stevedores (Pvt.) Ltd., 13, Camac Street, Calcutta-18.
17. M/s. M. Ghose & Co. Pvt. Ltd., 29, Mission Row Extension, Calcutta-13.
18. Calcutta Supply Agency, 8, Canning Street, Calcutta-1.
19. M/s. Chatterjee Hazra Private Ltd., 2 & 3, Clive Row, Calcutta-1.
20. M/s. Naresh Nath Mookerjee, 6-Clive Row, Calcutta-1.
21. M/s. Pratul Mukherjee (Stevedores) Pvt. Ltd., 19, Strand Road, Calcutta-1.
22. M/s. Sen Mukherjee & Co., P-20, Radhabazar St., Calcutta-1.
23. M/s. Sharma & Co., 8/2, Fern Road, Calcutta-19.
24. M/s. T. P. Roy Choudhuri & Co., Pvt., Ltd., "Roxy Buildings", 4/B, Chowringhee Place, Calcutta-13.
25. M/s. Chinay Chablani & Co., 13-Brabourne Road, Calcutta-1.
26. M/s. Miscos (India) Pvt., Ltd., 13-Brabourne Road, Calcutta-1.
27. The Master Stevedores Association, Royal Exchange, 6, Netaji Subhash Road, Calcutta.
28. The Calcutta Stevedores Association, P-11, Mission Row Extension, Calcutta.
29. Chairman, Calcutta Dock Labour Board, Calcutta.

SCHEDULE II

Whether the demand for payment of bonus by the registered and listed workers, excluding the Chipping and Painting Workers, at the Calcutta Docks for the financial year 1966-67 is justified? If so, to what relief are they entitled?

After issue of notices to the parties, without filing any written statement the parties have jointly appeared before the tribunal with a joint petition for approving of the terms of settlement incorporated in the agreement enclosed with the joint petition as Annexure A. By the agreement which was entered into on 5th September, 1967, the parties have agreed not only as to the bonus for the financial year 1966-67 which was the subject matter of the reference but also in respect of the bonus for ensuing financial year 1967-68. The terms must be considered favourable to the workmen because the rate of bonus per ton has been considerably increased from the rate which was agreed for the previous years.

Accordingly, I approve of the terms of settlement incorporated in the agreement and I make my award in terms of the joint petition including the agreement which is made part of the award.

Dated 25th September, 1967.

Sd./- S. K. SEN,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

In the matter of

Government of India, Ministry of Labour, Employment and Rehabilitation
(Department of Labour and Employment), Order of Reference
No. 28(10)/67-LRIII.

AND

In the matter of

Reference No. 64 of 1967 of the Central Government Industrial Tribunal.

AND

In the matter of

Messrs. A. C. Roy & Co., Private Ltd., and 27 others and Chairman, Calcutta Dock Labour Board, Employers as specified in Schedule I to the Order of Reference.—Employers.

Versus

Their Workmen.—Workmen.

The humble petition of—

1. President, Master Stevedores' Association representing Employers No. 1 to 14.
2. President, Calcutta Stevedores Association representing Employers No. 15 to 26.
3. Chairman, Calcutta Dock Labour Board.

AND

1. President, Calcutta Dock Workers Union.
 2. Joint General Secretary, West Bengal Dock Mazdoor Union.
 3. Joint General Secretary, National Union of Waterfront Workers.
- 1, 2 and 3 Trade Unions representing all workmen.

Most respectfully sheweth:

- (1) That adjudication on the issue mentioned in Schedule II to the Order of Reference is pending before this Tribunal.
- (2) That the Employers' Associations Nos. 1 and 2 representing employers as mentioned above on one part and the Trade Unions No. 1, 2 and 3 above representing workmen on the other part, have after mutual discussion and negotiation amicably settled the issue referred to for adjudication, and have executed an Agreement in full settlement of all their claims under the Issue detailed in Schedule II to the Order of Reference incorporating the terms of settlement. The manner of recovery and payment of the Bonus by the Calcutta Dock Labour Board have been duly authorised and approved by the individual Employers and the Employers' Associations aforesaid and have been agreed to by the Trade Unions aforesaid. The said Agreement is annexed hereto and marked "A".
- (3) That in view of the compromise arrived at by and between the individual Employers, the Employers' Associations and the Trade Unions aforesaid and the approval and agreement also referred to above with regard to the matters mentioned in the Order of Reference it is not necessary to proceed any further with the adjudication on the basis of Order of Reference.

Your petitioners, therefore, humbly pray that your Lordship may be graciously pleased to approve of the terms of settlement incorporated in the Agreement marked as Annexure "A" to this petition, and

to pass an award accordingly treating this petition with the annexed Agreement as part of the same and your petitioners as in duty bound shall ever pray.

Enclosure: Agreement—Annexure "A".

Deputy Chairman, on behalf of Chairman, Calcutta Dock Labour Board.

Sd./- D. K. GUHA.

President, Master Stevedores' Association on behalf of Employers No. 1 to 14.

Sd./- A. N. CHOWDHURY.

President, Calcutta Stevedores Association on behalf of Employers Nos. 15 to 26 and 3 other employers the name of whom are not in the Order of Reference.

Sd./- N. N. MOOKHERJEE.

President, Calcutta Dock Workers' Union.

Sd./- B. PRASAD.

Joint General Secretary, West Bengal Dock Mazdoor Union.

Sd./- ZAFAR IMAM.

Joint General Secretary, National Union of Waterfront Workers.

Sd./- P. K. GANGULY.

ANNEXURE "A"

AGREEMENT

The Employers' Associations and the Union agree that the payment of bonus for the financial year 1966-67 and 1967-68 be made to the registered and listed workers (monthly and pool) mentioned in Schedule I below. They further agree that the method of payment and recovery shall be as follows:—

(1) The Registered and Listed employers of the categories of workers mentioned in Schedule I agree to pay to the listed and registered workers, monthly and pool, bonus at the following rates:—

(a) For the period 1st April, 1966 to 31st March, 1967—30 P. per deadweight ton of cargo handled by all employers.

(b) For the period 1st April, 1967, to 31st March, 1968—31 P. per deadweight ton of cargo handled by all employers.

(2) The payment of bonus for 1966-67 may be made to the workers in April, 1968, and for 1967-68, in October, 1968.

(3) Recovery shall be made from the registered and listed employers from October, 1967, @ 60 P. per deadweight ton of cargo handled by each employer. Recovery from the registered and listed employers shall continue to be made till such time the necessary fund is accumulated.

(4) The amount of money collected as under (3) above shall be distributed to the listed and registered workers (monthly and pool) on the basis of their attendance during the years 1966-67, and 1967-68, respectively.

SCHEDULE 1

Registered workers of the following categories:—

- (a) Deck Foreman.
- (b) Hatch Foreman.
- (c) Winchman.
- (d) Sardar.
- (e) Mate.
- (f) Stevedore Mazdoor.
- (g) Tally Clerk.

*Listed workers of the following categories:—***Salt Workers, Stitchers and Baggers.**

Signed at Calcutta, the 5th day of September, 1967.

Signature of Employers and Unions:

1. Sd./- A. N. CHOWDHURY.
(President, Master Stevedores' Association).
2. Sd./- N. N. MOOKHERJEE.
(President, Calcutta Stevedores Association).
3. Sd./- B. PRASAD
(President, Calcutta Dock Workers Union).
4. Sd./- ZAFAR IMAM
(Joint General Secretary, West Bengal Dock Mazdoor Union).
5. Sd./- P. K. GANGULY
(Joint General Secretary, National Union of Waterfront Workers).
6. Sd./- A. N. CHOWDHURY
(M/s. A. C. Roy & Co., Private Ltd.).
7. Sd./- RANJIT MOOKERJEE
(M/s. Balailal Mookerjee & Co., Private Limited).
8. Sd./- K. MOOKERJI.
(Managing Partner, M/s. Baney Madhub Mookerjee & Co.)
9. Sd./-
(M/s. Butterworth & Farmer).
10. Sd./-
Mg., Director
(M/s. B. Bose Private Ltd.).
11. Sd./- N. K. DUSTOOR,
Mg., Director.
(M/s. D. B. Cursetjee's Sons Private Ltd.).
12. Sd./- DEB SATHAN BOSE.
(M/s. E. C. Bose & Co., Pvt. Ltd.).
13. Sd./- SHRISH K. GORSIA.
Partner,
(M/s. Keshavlal P. Gorsia.).
14. Sd./- S. K. MUKHERJEE.
(M/s. J. N. Mukherjee & Co., Private Limited.).
15. Sd./-
Director.
(M/s. H. M. Coria & Son P. Ltd.).
16. Sd./-
(M/s. M. Elias Private Ltd.).
17. Sd./-
(M/s. P. E. Davis & Co., (Stev.) Pvt., Ltd.).
18. Sd./-
Director,
(M/s. Santos Chandra Banerjee & Sons Private Ltd.
19. Sd./- S. N. CHATTERJEE.
Mg. Director,
(M/s. Sarat Chatterjee & Co., Pvt. Ltd.).
20. Sd./-
Director-in-Charge,
[M/s. Alex Miller (SC) Private Ltd.]
21. Sd./-
(M/s. Banerjee & Chatterjee Stev., Pvt. Ltd.).
22. Sd./- K. K. VERMA.
Director,
(M/s. B. Ghose & Co., Pvt. Ltd.).
23. Sd./-
(M/s. Calcutta Supply Agency.).
24. Sd./-
(M/s. Chatterjee Hazra Pvt. Ltd.).
25. Sd./- NARESH NATH MOOKERJEE
(M/s. Naresh Nath Mookerjee).
26. Sd./-
Mg. Director,
M/s. Pratul Mukherjee (Stevedores) P. Ltd.].
27. Sd./- K. P. MUKERJI.
Partner,
(M/s. Sen Mukherjee & Co.).
28. Sd./-
(M/s. Sharma & Co.).
29. Sd./-
Managing Director,
(M/s. T. P. Roy Choudhuri & Co., Pvt., Ltd.).
30. Sd./-
Partner,
(M/s. Chinoy Chablani & Co.).
31. Sd./-
(M/s. Miscos (India) Pvt., Ltd.)
32. Sd./-
Partner,
(M/s. C. Laurie & Co.).
33. Sd./- K. S. SWAMINATHAN.
Partner,
(M/s. Liners Service.).
34. Sd./-
Mg. Director
(M/s. H. D. Mookerjee & Co., Ltd.).
35. Sd./-
(M/s. M. L. Banerjee & Sons.).

Witness: Sd./- A. KHAN.

Witness: Sd./- TAHEER SARDAR.
[No. 28/19/67-LRIIL]

New Delhi, the 20th October 1967

S.O. 3852.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen which was received by the Central Government on the 13th October, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Friday, the 22nd day of September, 1967

PRESENT:

Thiru M. Tajammul Hussain, B.A., B.L.,—Industrial Tribunal.

INDUSTRIAL DISPUTE No. 17 OF 1967

(In the matter of the dispute between the workmen and the Management of Punjab National Bank Ltd., Madras-1.)

BETWEEN:

B. Govindakrishnan,
General Secretary,
All India Punjab National Bank Employees (Madras Unit) Association,
No. 3, Muthiah Mudali St., Madras-21.

AND:

The District Manager,
Punjab National Bank Ltd.,
No. 107, Armenian St.,
Madras-21.

Reference:—Government of India Order No. 51(76)-66 IV dated 15th February 1967 Department of Labour and Employment, Ministry of Labour, Employment and Rehabilitation Government of India, New Delhi.

This dispute coming on for final hearing on this day and upon perusing the reference, claim and counter statements and the parties to this dispute having filed a joint memo of settlement stating that the dispute has been settled by a compromise entered into between them already, this Tribunal made the following.

AWARD

This is a reference by the Central Government. This industrial dispute between the management and workmen of the Punjab National Bank Ltd., relates to the reversion of Shri V. Thiagarajan, Accountant, Mylapore Branch as Supervisor with effect from the 1st August, 1966.

2. The claim statement was filed by the All India Punjab National Bank Employees' Association (Madras Unit) setting out the case of the concerned workman and the circumstances leading to the reversion of the workman.

3. The management of the Punjab National Bank filed a counter statement repudiating the claim of the worker and contending that the worker is not entitled to any relief. It is not necessary to set out the allegations made in the claim statement and the defence raised in the counter statement, as the parties to the dispute have settled the dispute and filed a joint memorandum of settlement in court.

4. According to the joint memorandum of settlement, as Sri V. Thiagarajan has been promoted as Officer and in functioning as such it has become unnecessary to decide the issue referred to for adjudication. In respect of promotion in future for Sri V. Thiagarajan, the existing rules of the Bank relating to promotions among officers, would apply to him and he would be treated on the same basis as other officers of the Bank.

5. The joint memorandum of settlement filed into the Court is recorded. An award is passed in terms of the joint memorandum of settlement. Parties are directed to bear their own costs. The terms of joint memorandum of settlement will form an annexure to the award.

(Sd.) M. TAJAMMUL HUSSAIN,
Industrial Tribunal.

List of witnesses examined

For the worker }
For the Management } None

List of documents marked

For the worker }
For the Management } Nil

ANNEXURE

Joint Memorandum of Settlement

1. In view of the fact that Shri V. Thiagarajan, has now been promoted as Officer and is functioning as such, it has become unnecessary to decide the issue referred to for adjudication.
2. In respect of promotion in future for Shri V. Thiagarajan, the existing rules of the Bank relating to promotions among officers, would apply to him and he would be treated on the same basis as other officers of the Bank, for this purposes.

Signed at Madras, the 22nd September, 1967.

(Sd.) G. R. BAMBAL
District Manager.
The Punjab National Bank Ltd.
Southern Circle, Madras-1.
for the Management of Bank.

(Sd.) S. RAGHAVAN.
Assistant Secretary.
The All India Punjab National
Bank Employees' Association
(Madras Unit) Madras-21.

(Sd.) V. THIAGARAJAN.
Workman affected and
party to the dispute.

[No. F. 51/76/66-LRIV.]

ORDERS

New Delhi, the 17th October 1967

S.O. 3853.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in respect of the establishments specified in Schedule I, and their workmen in respect of the matters specified in Schedule II, hereto annexed and that the said dispute is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute;

And, whereas the Central Government is of opinion that the dispute should be adjudicated by a National Tribunal;

And, whereas the Central Government is of opinion that the said dispute is of such a nature that the Hindustan Machine Tools at Pinjore and the Hindustan Machine Tools at Hyderabad are likely to be interested in, or affected by, such dispute;

Now, therefore, in exercise of the powers conferred by section 7B, and sub-sections (1A) and (5), of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a National Tribunal at Calcutta, of which Shri S. K. Sen shall be the Presiding Officer, and refers the said dispute to the said National Tribunal for adjudication and includes in that reference, the Hindustan Machine Tools at Pinjore and the Hindustan Machine Tools at Hyderabad.

SCHEDULE I

- (1) Hindustan Machine Tools I, Bangalore.
- (2) Hindustan Machine Tools II, Bangalore.
- (3) Hindustan Machine Tools IV, Kalamassery, Kerala.

SCHEDULE II

- (1) Whether the demand of the workmen in the Hindustan Machine Tools I and II at Bangalore for payment of bonus at the rate of 20 per cent. of their salary for the year 1966-67 is justified? If not, to what quantum of bonus are they entitled?
- (2) Whether the workmen of the Hindustan Machine Tools at Kalamasseri, Pinjore and Hyderabad are entitled to any bonus and if so, what should be the quantum of such bonus?
- (3) Whether the demand of the workmen of the Hindustan Machine Tools I and II at Bangalore and of the Hindustan Machine Tools IV at Kalamasseri that the bonus should be calculated on the basis of a consolidated Profit and loss Account for all the units and all activities and not on the basis of Profit and Loss Accounts of the separate units and separate activities is justified?

[No. 4/138/67-LRIII.]

New Delhi, the 20th October 1967

S.O. 3854.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and the Maritime Insurance Company Limited, Calcutta, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the workmen of the Norwich Union Fire Insurance Society Limited, the Scottish Union and National Insurance Company and the Maritime Insurance Company Limited, Calcutta for introduction of a Gratuity Scheme is justified? If so, to what relief are the workmen entitled?

[No. 70/11/67-LRIII.]

S.O. 3855.—Whereas the employers in relation to the New India Assurance Company Limited, Bombay and their workmen represented by the New India Assurance Company Limited Employees Union, Kanpur, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the demand of the workmen set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said New India Assurance Company Limited Employees' Union, Kanpur represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by Section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mithan Lal shall be the Presiding Officer, with headquarters at Allahabad and refers the said dispute to the said Tribunal for adjudication.

SCHEDULE

The specific matter in dispute relates to the demand for overtime from the General Secretary of the New India Assurance Co. Ltd., Employees' Union, Uttar Pradesh, for keeping the Company's offices in the U.P. open on 15th, 17th and 21st February, 1967, which were declared as Holidays under the Negotiable Instruments Act by the Government of U.P. for General Elections. The management has declined to pay overtime for the same.

[No. 74/7/67/LRIII.]

S.O. 3856.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Union Co-operative Insurance Society Limited, Calcutta and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the Union Cooperative Insurance Society Limited, Calcutta in dismissing from service Shri P. K. Basu Majumdar, Assistant, with effect from the 7th July, 1967 is justified. If not, to what relief is he entitled?

[No. 70/19/67-LRIII.]

S.O. 3857.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to (1) The Visakhapatnam Minerals Association, Visakhapatnam (2) Messrs. K. Ramabrahmam and Sons, Stevedores and Iron and Steel Handling Contractors, Visakhapatnam, (3) Messrs. Dhana Reddy and Company, Stevedores and Iron and Steel Handling Contractors, Visakhapatnam and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mohammed Nijamuddin shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the Iron and Steel handling labour at the Port of Visakhapatnam are entitled to the payment of bonus under the Payment of Bonus Act, 1965 for the accounting years commencing on any dated in 1964, 1965 and 1966 from the iron and steel handling contractors at the Port of Visakhapatnam? If so, at what rate?

[No. 28/106/67-LRIII.]

New Delhi, the 21st October 1967

S.O. 3858.—Whereas the employers in relation to Jaipur Mineral Development Syndicate (P) Limited, Jaipur, and their workmen represented by Dagota Khan Mazdoor Union, Dagota H.O., Dausa (Rajasthan) have jointly applied to the Central Government for reference to a tribunal of an industrial dispute that exists between them in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Dagota Khan Mazdoor Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Jawan Singh Ranawat shall be the Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

1. "Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Ltd., Jaipur represented by Dagota Khan Mazdoor Union Dausa, for the revision in the existing rates of wages of the workmen employed in the mines from Rs. 1.50-10 paise 2.25 to Rs. 2.25-15 paise Rs. 3/- is justified? And to what relief, if any, the workmen are entitled and from what date?"

2. "Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Ltd., Dausa, Jaipur, represented by the Dagota Khan Mazdoor Union, Dausa, Jaipur (Rajasthan) for the grant of D. A. to the workmen employed in the mine in accordance with the recommendations of the Mathur Committee Report is justified? And to what relief, if any, the workmen are entitled and from what date?"

3. "Whether demand by the workmen of Jaipur Mineral Development Syndicate Private, Ltd., Dausa, Jaipur represented by the Dagota Khan Mazdoor Union, Dausa, Jaipur (Rajasthan) for the revision of wages of underground workers of the mine so as to make the starting salary between Rs. 3/- to Rs. 4/- per day is justified? And to what relief, if any, are the workmen entitled and from what date."

4. "Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Ltd., Dausa, represented by the Dagota Khan Mazdoor Union, Dausa, Jaipur (Rajasthan) for the grant of cycle allowance @Rs. 5/- per month, to the underground workers of mines is justified? And to what relief, if any, are the workmen entitled and from what date?"

[No. F. 24/1/67-LRI.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour & Employment)

New Delhi, the 18th October 1967

S.O. 3859.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), and in partial modification of the notification of the Government of India, in the late Ministry of Labour and Employment No. S.O. 3590, dated the 28th November, 1965, the Central Government hereby appoints Shri M. Prakasa Rao, Secretary, Mica Mines Labour Welfare Fund, Andhra Pradesh to be an Inspector of Mines subordinate to the Chief Inspector of Mines *vice* Shri P. Mallikanjunam.

[No. 3/24/67-M.III.]

S.O. 3860.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959,—

(a) except in sub-clause (e) of clause 3 and clauses, 6, 8 and 10, for the words "Executive Officer" wherever they occur, the words "Deputy Chairman" shall be substituted;

(b) for sub-clause (e) of clause 3, the following sub-clause shall be substituted, namely:—

(e) "Deputy Chairman" means the Deputy Chairman of the Vizagapatam Dock Labour Board;

(c) for clause 6, the following clause shall be substituted, namely:—

"6. Appointment of officers and other staff.—The Board may appoint such officers and servants as it deems necessary and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowances is rupees eight hundred and above per mensem shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months";

(d) in clause 8, sub-clause (k) shall be omitted;

(e) for clause 10, the following clause shall be substituted, namely:—

“10. Responsibilities and duties of the Deputy Chairman.—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

- (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 44;
- (b) function as Chairman of Committees of the Board to which he may be nominated a member;
- (c) preside over the meetings of the Board in the absence of the Chairman;
- (d) carry out the functions of the Administrative Body under clause 11, if he is so appointed under clause 5 or if there is no Administrative Body appointed under clause 5;
- (e) exercise such other functions as are delegated to him in writing by the Chairman.”.

[No. 528/171/65-Fac-II.]

S.O. 3861.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 the same having been previously published as required by the said sub-section, namely:—

Amendment Scheme

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, in clause 19—

(i) for sub-clause (3), the following shall be substituted namely:—

“(3) The Chairman or the Deputy Chairman may, for sufficient and valid reasons, allow the transfer of a monthly worker to the reserve pool or *vice versa* on a request in writing of the employer or the worker as the case may be explaining fully the reasons for the transfer and no such transfer shall take place without the prior approval in writing of the Chairman or the Deputy Chairman:

Provided that transfer in respect of a monthly worker to reserve pool shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment:

Provided further that in the event of transfer of gang workers the transfer shall be of the gang as unit but each worker in the gang may individually apply for the transfer and their cases shall be dealt with on the merits of each such application for transfer and unless all the workers in a gang apply for transfer from the monthly register to the reserve pool or *vice versa* the decision for such transfer shall be taken on the views of the majority in a gang and the workers who do not agree to the transfer shall be transferred to the sub-pool of leave reserve workers.”

(ii) after sub-clause (5), the following new sub-clause shall be inserted, namely:—

“(6) If a reserve pool worker is transferred to the monthly register, his previous service shall be reckoned for all benefits in the monthly register and the Board shall transfer to the monthly employer all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred. The Board shall, in particular, transfer to the monthly employer such amount as may be appropriate towards the worker's leave, Provident Fund or Gratuity that may be due to him on the date of such transfer.”

[No. 53/17/67/Fac. II.]

S.O. 3862.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), and in supersession of the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3526, dated the 4th November, 1965, the Central Government hereby appoints Shri G. D. Varma, Secretary, Mica Mines Labour Welfare Fund, Rajasthan, to be an Inspector of Mines subordinate to the Chief Inspector of Mines.

[No. 7/7/67-M. III.]

K. D. HAJELA, Under Secy.

(Department of Labour & Employment)

New Delhi, the 18th October 1967

S.O. 3863.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 and in supersession of the notification of the Government of India in the late Department of Social Security No. S.O. 2, dated the 22nd December, 1964 the Central Government hereby appoints Shri Devki Nandan as Regional Provident Fund Commissioner, for the whole of the State of Rajasthan to assist the Central Provident Fund Commissioner in the discharge of his duties vice Shri R. R. Sahae.

[No. 17(63)/64-PF-I-(1).]

S.O. 3864.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Department of Social Security No. S.O. 3, dated the 22nd December, 1964, the Central Government hereby appoints Sri Devki Nandan to be an Inspector for the whole of the State of Rajasthan for the purposes of the said Act and any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a Railway Company, a major port, a mine, or an oil field or a controlled industry.

[No. 17(63)/64-PF-I-(II).]

New Delhi, the 20th October 1967

S.O. 3865.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule below in sparsely areas specified in the corresponding entry in column (3) of the said Schedule in the State of Bihar, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of the said Act in those areas:—

THE SCHEDULE

1. Name of District No.	Name of Area	Name of the factory
(1)	(2)	(3)
(1)	(2)	(4)
1. Bhagalpur . . .	Colgong . . .	M/s. Shyama Mills.
2. Champaran . . .	Bettish . . .	M/s. Mitra Engg. Co., Gandak Project Colony.
3. Darbhanga . . .	Sakari . . .	M/s. Govt. Tiles Factory.
4. Dhanbad . . .	Sijua . . .	M/s. Shreyaskar Equipment (P) Ltd.
Do. . .	Jamdiha . . .	M/s. Jamadhi Engg. & Foundry.
5. Monghyr . . .	Bariarpur . . .	(i) M/s. Sita Ram Sawaria.
Do. . .	Khadigram . . .	(ii) M/s. Bihar Stone Mines Co.
Do. . .	Gantamore . . .	M/s. Saranjam Vidyalaya.
6. Hazaribagh . . .	Kodarma . . .	M/s. Nareesh Mills.
		M/s. Match Splint Factory.

(1)	(2)	(3)	(4)
7. Purnea	Kursela	M/s. Gammon India Ltd., P.O. Ajodhya-ganj Bazar.	
Do.	Kishanganj	M/s. Sri Krishna Saw Mill, At Darjiling Road.	
8. Patna	Bihta	M/s. 33 K.V. Electric Supply Sub-Division.	
9. Palamau	Daltenganj	A.M. Jordan (P) Ltd., Baratola.	
10. Ranchi	Khuti	M/s. Y.P. Khanna Saw Mill.	
Do.	Jounha	M/s. Omprakash & Co., Stone-Crusher at Rupra.	
Do.	Halhundu	M/s. Tribut Stone & Lime Works at Dundu.	
11. Singbhum	Goelkera	M/s. Match Plint Factory, Railway Station.	
Do.	Sitarampur	Water Works, (S.D.O.)	
Do.	Chakulia	M/s. Janta Engg. & Foundry.	
Do.	Goalbera	M/s. National Saw Mills.	
Do.	Chakradharpur	M/s. Patel Saw Mill, Dandasi.	
12. Santhal Pargana	Pakur	M/s. Hardwar Pd. Bhagat Bhola Pd. Bhagar.	
Do.	Godda	M/s. Shiv Shankar Saw Mill.	

[No. F. 6(11)/67-HI.]

S.O. 3866.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in partial modification of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2173, dated the 10th October, 1958, the Central Government hereby appoints Shri K. R. Sreedharan to be an Inspector for the Mahe area of the Union Territory of Pondicherry also for the purposes of the said Act and of any scheme framed thereunder, in relation to any establishment belonging to or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry.

[No. 20(85)65-PF-I(i).]

S.O. 3867.—Whereas Shri K. R. Sreedharan has been appointed as Provident Fund Inspector vice Shri M. T. Muthu Pillai for the Mahe area of the Union Territory of Pondicherry.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 398 dated the 23rd January, 1967, namely:—

In the said notification, the words " and the Mahe area of the Union Territory of Pondicherry" shall be omitted.

[No. 20(85)65-PF-I(ii).]

S.O. 3868.—Whereas Messrs Favre-Leuba and Company Limited, 211-219, Dr. D. N. Road, Fort, Bombay-1, (hereinafter referred to as the said establishment has applied for exemption under clause (b) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952;

And whereas the employees of the said establishment are in enjoyment of benefits in the nature of provident fund and gratuity and the Central Government is of opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under the Employees' Provident Funds Act, 1952 (19 of 1952), and the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Act and the said Scheme respectively) in relation to employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said estab-

lishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09, per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.

2. The employer shall furnish to each employee an Annual Statement of Account or Pass Book.

3. All expenses involved in the administration of the Provident Fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment a copy of the Rules of the Provident Fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the Fund of the establishment and accept the past accumulations in respect of such employee and credit to his account.

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishment in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.

7. The establishment shall submit an audited Balance Sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.

8. Notwithstanding anything contained in the provident fund rules of the establishment the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer's and employees' contributions plus interest thereon taken together with the amount, if any, payable under the Gratuity Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund, under the Employees' Provident Funds Scheme, 1952, the employer shall pay the difference to the member as compensation/special contribution.

9. No amendment of the Rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

S.O. 3869.—Whereas Messrs Bijli Cotton Mills' Private Limited, Hathrasl (Aligarh) were granted exemption from the Employees' Provident Funds Scheme, 1952 under Sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952) through the notification of the Ministry of Labour and Employment (Office of the Central Provident Fund Commissioner, Employees' Provident Fund) No. S.R.O. 3416 dated the 17th October, 1957 published in Part II, Section 3 of the Gazette of India dated the 26th October, 1957;

And, whereas the employer in relation to the said establishment has expressed his willingness to surrender the exemption voluntarily and has requested for cancellation of the said exemption;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 17 of the said Act, the Central Government hereby cancels, with immediate effect, the said exemption.

[No. 9(23)63-PF-II.]

S.O. 3870.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st August, 1967, section 6 of the said Act shall, in its application to Messrs Lona Industries Private Limited, Tungarli, Lonavala, District Poona, be subject to the modification, that for the words "six and a quarter per cent", the words "eight per cent" shall be substituted.

[No. 8/62/67-PF-II.]

S.O. 3871.—Whereas Messrs Singer Sewing Machine Co., 207, Dr. D. Road, Fort, Bombay-1 (hereinafter referred to as the said establishment) has applied for exemption under Clause (b) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952;

And whereas the employees of the said establishment are in employment of benefits in the nature of provident fund and gratuity and the Central Government is of opinion that such benefits are on the whole not less favourable to such employees that the benefits provided under the Employees' Provident Funds Act, 1952 (19 of 1952) and the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Act and the said Scheme respectively) in relation to employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;
- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner, as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an Annual Statement of Account or Pass Book
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.
4. The employer shall display on the Notice Board of the establishment a copy of the Rules of the Fund as approved by the appropriate Government

and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishment in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.

7. The establishment shall submit an audited Balance Sheet of its provident fund every year to the Regional Provident Fund Commissioner within 3 months of the close of the year.

8. Notwithstanding anything contained in the Provident Fund Rules of the establishment the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer's and employees' contributions plus interest thereon taken together with the amount, if any, payable under the Gratuity Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees' Provident Funds Scheme, 1952, the employer shall pay the difference to the member as compensation/special contribution.

9. No amendment of the Rules of the Provident Fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval give a reasonable opportunity to the employees to explain their point of view.

[No. 11/36/67-PF.II.]

New Delhi, the 21st October 1967

S. O. 3872.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories specified in the Schedule hereto annexed in sparse areas in the State of Madras, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of the said Act in the said areas.

THE SCHEDULE

S. No.	Name of District	Name of Area	Name of the Factory
1.	Chingleput	Goparasanallur	Everest Printing Inks, 60 Goparasanallur Village, Near Poonamallee, Sri Perumbudur Tq.
2.	Nilgiris	Malligur Panchayat	Kundah Power House V. Mulligur Panchayat Emerald, Upper Bhavani Road, Avalonche Power House V (P. O.).
3.	Ramnad	Aruppukottai	Shri Ramalinga Mills (P) Ltd., No. 53, Great Cotton Road.
4.	Ramnad	Sattur	(i) Sugar Match Factory (ii) Dharmaraja Match Factory. (iii) Sattur Original Match Co. (iv) Venkatesa Litho Printers (v) Balasaraswathi Litho Press. (vi) Thirupathy Venkatachalapathy Lorry Service. (vii) Jothi Press.
5.	Salem	Kullampatti	Rathina Sago Factory.

S. No.	Name of District	Name of Area	Name of the Factory
6.	Salem	Karipatti	(i) Sree Ganesha Sago Factory, S. No. 102/1. (ii) Sami Sago Factory.
7.	Salem	Ulipuram	(i) Baghyalakshmi Sago Factory Ulipuram Post, Attur Taluk, Thammampatti Road. (ii) Kalaiselvam Sago Factory, Ulipuram Post, Thammampatti (Via) Attur Taluk. (iii) Lakshmi Vasari Rice & Sago Factory, Ulipuram Post, Thammampatti Road, Attur, Taluk.
8.	Salem	Veppilaipatti	Saraswathy Sago Factory, Veppilaipatti Post, Karipatti (Via), Salem Taluk.

[No. F. 6(10)/67-HI.]

S.O. 3873.—Whereas the Central Government is satisfied that the Industrial Extension Centre, Kalyani, District Nadia, run by the Small Industries Service Institute under the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) Government of India, is situated in an area where the provisions of Chapter V of the Employees' State Insurance Act, 1948 (34 of 1948), have not yet been enforced;

And, whereas the said factory is both non-commercial and non-competitive in nature;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act, until the enforcement of the provisions of Chapter V of the said Act, in the said area.

[No. F. 6(55)/67-HI.]

S.O. 3874.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Lona Industries Private Limited, Tingarli, Lonavala, District Poona, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of August 1967.

[No. 8/62/67-PF.II.]

HANS RAJ CHHABRA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 19th October 1967

S.O. 3875.—In exercise of the powers conferred by Sub-Section (I) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Maharashtra, Gujarat, Andhra Pradesh, Madras, Mysore and Kerala, Shri Gurdial Singh Gulati, Settlement Officer in the Office of the Regional Settlement Commissioner, Bombay as Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from 18th August, 1967.

[No. 6(5)AGZ/65.]

ORDER

New Delhi, the 16th October 1967

S.O. 3876.—In pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951, the Central Government makes the following order to amend the order published with the Notification of the Government of India, in the Late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 531, dated 6th February 1964 namely:—

For the words and figures “30th September, 1967” the words and figures “31st December, 1967” shall be substituted.

[No. 5(24)/59-Prop.II/Comp & Prop.]

A. G. VASWANI,

Settlement Commissioner (A) & *Ex-Officio*, Under Secy.